

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

DCTN: _____

Lockup No: _____

COMPLAINT

Case No: 14 CRW 3073

District of Columbia ss:

Defendant's Name: Barry Freundel 14157212

(First) (MI) (Last) (PDID) (CCNO)

Also Known As: _____

(First) (Middle) (Last)

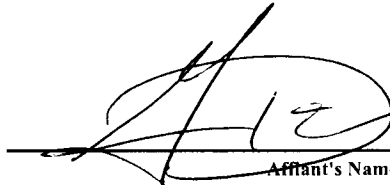
Address: 3026 O. Street, NW, Washington, D.C.

Between on or about June 2, 2014, and on or about September 13, 2014, within the District of Columbia, Barry Freundel installed and maintained an electronic device for the purpose of secretly and surreptitiously observing females who were totally or partially undressed and changing clothes. (Voyeurism, in violation of 22 D.C. Code, Section 3531 (2001 ed.))

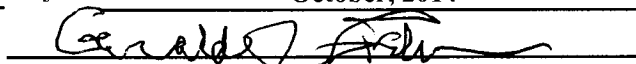
Co-Defendants:

Sharon M...-K

FILED
OCT 14 PM 12:18


Affiant's Name

Subscribed and sworn to before me this 14 day of October, 2014

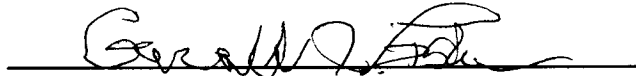

(Judge) ~~(Resault Clerk)~~


WARRANT

To The United States Marshal or any other authorized federal officer or the Chief of Police of the District of Columbia:

WHEREAS the foregoing complaint and affidavit supporting the allegations thereof have been submitted, and there appearing probable cause and reasonable grounds for the issuance of an arrest warrant for Barry Freundel

YOU ARE THEREFORE COMMANDED TO BRING THE DEFENDANT BEFORE SAID COURT OR OTHER PERSON ENUMERATED IN 18 U.S.C. 3041 forthwith to answer said charge.

Issued October 14, 2014 
Judge - Superior Court of the District of Columbia

Title 16: Rule 105: Judge: 

Sex: Male	DOB: 12/16/1951	CCN: 14157212	PDID:
Papering Officer: Det. George Desilva			Badge No.: D21685

OFFICER MUST EXECUTE RETURN

Officer's Name:	Date / Time: October 14, 2014
AUSA Signature:	Fel. I <input type="checkbox"/> AFTC <input type="checkbox"/> Fel. II <input type="checkbox"/>

T100669414

**Superior Court of the District of Columbia
CRIMINAL DIVISION**

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

USW NO.:

14 cmw 3073

DEFENDANT'S NAME: Freundel, Barry			NICKNAME:		ALIASES:		CCN: 14-157-212	PDID:
SEX: Male	RACE: White	DOB: 12/16/51	HGT: <i>6'1"</i>	WGT: <i>280</i>	EYES: <i>Brown</i>	HAIR: grey	COMPL: <i>Light</i>	SCARS, MARKS TATTOOS:
DEFENDANT'S HOME ADDRESS: 3026 O. Street, NW, Washington, D.C.							TELEPHONE NUMBER: 202-333-3579	
DEFENDANT'S BUSINESS ADDRESS:							TELEPHONE NUMBER:	
COMPLAINANT'S NAME:							TELEPHONE NUMBER:	
LOCATION OF OFFENSE: Shower changing area at 2801 N. St., NW, Washington, D.C.					DATE OF OFFENSE: 6/2/14 and 9/13/14		TIME OF OFFENSE:	

CAUTION AND MEDICAL CONDITIONS (CMC) Select a valid CMC code below for wanted person when using the caution indicator.

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> 00 = Armed and Dangerous | <input type="checkbox"/> 25 = Escape Risk | <input type="checkbox"/> 65 = Epilepsy | <input type="checkbox"/> 01 = Other (Explain) |
| <input type="checkbox"/> 05 = Violent Tendencies | <input type="checkbox"/> 30 = Sexually Violent Predator | <input type="checkbox"/> 70 = Suicidal | |
| <input type="checkbox"/> 10 = Martial Arts Expert | <input type="checkbox"/> 50 = Heart Condition | <input type="checkbox"/> 80 = Medication Required | |
| <input type="checkbox"/> 15 = Explosive Expertise | <input type="checkbox"/> 55 = Alcoholic | <input type="checkbox"/> 85 = Hemophiliac | |
| <input type="checkbox"/> 20 = Known to abuse drugs | <input type="checkbox"/> 60 = Allergies | <input type="checkbox"/> 90 = Diabetic | |

GIVE BRIEF DESCRIPTION OF WHAT HAPPENED:

In the late evening of October 13, 2014, a Second District Metropolitan Police Department Investigator applied for, and obtained, an emergency D.C. Superior Court search warrant to examine the contents of an audio and video recording device which had been disguised as a digital clock radio (hereinafter referred to as the "Recording Device"). MPD obtained the Recording Device from W-1 who retrieved it from the changing and showering area adjacent to a Jewish ritual bath (also known as a "Mikvah") at 2801 N. Street, NW, Washington, D.C. on October 12, 2014. W-1 informed Your Affiant that IT had previously seen the defendant Barry Freundel (DOB 12/16/51, residence 3026 O. Street, NW, Washington, D.C.) plugging in and operating the Recording Device in the changing and showering area of the Mikvah. At that time, IT did not realize that the Recording Device was anything other than a digital clock radio and only learned of its recording capacity on October 12, 2014, during an inventory of the Mikvah changing area.

Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from W-1 Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

*11/12/14
B. Freundel*

AFFIANT'S SIGNATURE:

[Handwritten Signature]

PLEASE ISSUE A WARRANT FOR:

BARRY FREUNDEL

SUBSCRIBED AND SWORN TO BEFORE ME THIS

14TH DAY OF *October*, 2014

[Handwritten Signature]

(JUDGE) (DEPUTY CLERK) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CHARGED WITH: VOYEURISM, 22 DCC SECTION 3531

Sharon Marcus-Ku
ASSISTANT UNITED STATES ATTORNEY

Superior Court of the District of Columbia
CRIMINAL DIVISION

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

USW NO.:

14 CRW 3673

DEFENDANT'S NAME: Freundel, Barry			NICKNAME:		ALIASES:			CCN: 14-157-212	PDID:
SEX: Male	RACE: White	DOB: 12/16/51	HGT: 6'1"	WGT: 230	EYES: Brown	HAIR: grey	COMPL: MC	SCARS, MARKS TATTOOS:	
DEFENDANT'S HOME ADDRESS: 3026 O. Street, NW, Washington, D.C.							TELEPHONE NUMBER: 202-333-3579		
DEFENDANT'S BUSINESS ADDRESS:							TELEPHONE NUMBER:		
COMPLAINANT'S NAME:							TELEPHONE NUMBER:		
LOCATION OF OFFENSE: Shower changing area at 2801 N. St., NW, Washington, D.C.					DATE OF OFFENSE: 6/2/14 and 9/13/14		TIME OF OFFENSE:		

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| <input type="checkbox"/> 15 = Explosive Expertise | <input type="checkbox"/> 55 = Alcoholic | <input type="checkbox"/> 85 = Hemophilic | |
| <input type="checkbox"/> 20 = Known to abuse drugs | <input type="checkbox"/> 60 = Allergies | <input type="checkbox"/> 90 = Diabetic | |

GIVE BRIEF DESCRIPTION OF WHAT HAPPENED:

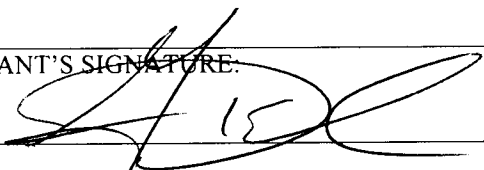
The defendant is seen on numerous occasions setting up and operating the Recording Device in the showering and changing area adjacent to the Mikvah. The defendant is seen positioning the Recording Device so that it faced the shower and, by so doing, was able to capture unsuspecting women totally or partially undressed or changing clothes without their knowledge and consent.

For example, three videos on the Recording Device dated June 2, 2014, capture two women separately partially undressing or changing clothes in the shower room. Neither woman appears to know that she is being recorded by the Recording Device.

Again on September 13, 2014, the defendant is seen manipulating the Recording Device while pointing the camera directly toward his face. His voice is heard on the recording. The Defendant appears to be 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 (dated September 13, 2014) totally or partially undressed or changing clothes before taking a shower. They are shown without clothing before entering the shower. The video captures them exiting the shower and drying off before getting dressed. Through my observations of the Recording Device it appears that these women do not know that the Recording Device is, in fact, recording them and that they are being recorded as they are undressing. There is no indication that the six women depicted changing and partially or totally naked consented to having their naked body photographed.

AFFIANT'S SIGNATURE:

X



PLEASE ISSUE A WARRANT FOR:

BARRY FREUNDEL

SUBSCRIBED AND SWORN TO BEFORE ME THIS

CHARGED WITH: VOYEURISM, 22 DCC SECTION 3531

14TH DAY OF October 2014

Sharon Muff
 ASSISTANT UNITED STATES ATTORNEY

F. Gerald [Signature]
 (JUDGE) (DEPUTY CLERK) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

11/11/14

**Superior Court of the District of Columbia
CRIMINAL DIVISION**

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

USW NO.:

14 CRW 3673

DEFENDANT'S NAME: Freundel, Barry			NICKNAME:		ALIASES:		CCN: 14-157-212	PDID:
SEX: Male	RACE: White	DOB: 12/16/51	HGT: <i>6'1"</i>	WGT: <i>270</i>	EYES: <i>Brown</i>	HAIR: grey	COMPL: <i>med</i>	SCARS, MARKS TATTOOS:
DEFENDANT'S HOME ADDRESS: 3026 O. Street, NW, Washington, D.C.							TELEPHONE NUMBER: 202-333-3579	
DEFENDANT'S BUSINESS ADDRESS:							TELEPHONE NUMBER:	
COMPLAINANT'S NAME:							TELEPHONE NUMBER:	
LOCATION OF OFFENSE: Shower changing area at 2801 N. St., NW, Washington, D.C.					DATE OF OFFENSE: 6/2/14 and 9/13/14		TIME OF OFFENSE:	

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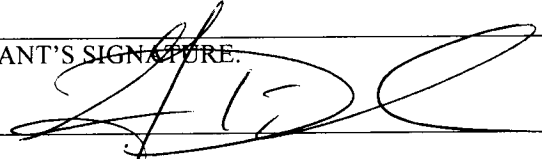
A file dated October 6, 2014, depicts the defendant again placing the camera in the changing room facing the shower room. Later that same date a video confirms information obtained from W-1 who recovered the camera from the shower room. The date stamp at this instant was approximately six days prior to the actual date.

Based on the aforementioned facts and circumstances Your Affiant believes that probable cause exists that the crime of Voyeurism has been committed and that Barry Freundel has committed it. Therefore, Your Affiant respectfully requests that a D.C. Superior Court Judge sign a warrant for the arrest of Barry Freundel (DOB 12/16/51) for the charge of Voyeurism, in violation of 22 D.C. Code Section 3531.

RP/101 BRF 2

AFFIANT'S SIGNATURE.

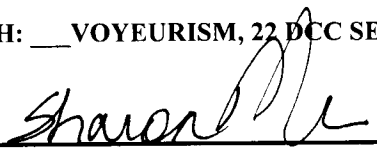
X



PLEASE ISSUE A WARRANT FOR:

BARRY FREUNDEL

CHARGED WITH: VOYEURISM, 22 DCC SECTION 3531



ASSISTANT UNITED STATES ATTORNEY

SUBSCRIBED AND SWORN TO BEFORE ME THIS

14TH DAY OF *October* 2014



(JUDGE) (DEPUTY CLERK) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

Criminal Division

14 crw 3673

In re Arrest Warrant for

Barry Fruendel (DOB 12/16/51)
for the charge of Voyeurism,
in violation of 22 D.C. Code Section 3531.

UNDER SEAL

**MOTION TO SEAL AFFIDAVIT IN SUPPORT OF
ARREST 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 Arrest Warrant for **In re Arrest Warrant for** Barry Fruendel (DOB 12/16/51, for the charge of Voyeurism, in violation of 22 D.C. Code Section 3531 be placed under seal until further order of the Court. In support of its motion, the government states as follows:

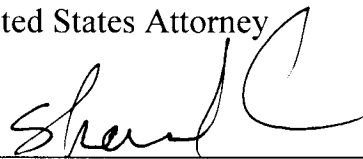
The affidavit in support of the arrest warrant contains descriptions of criminal activity regarding an on-going voyeurism investigation involving possible numerous victims and other witnesses. Public disclosure of the information contained in the Affidavit would create a clear probability that the identity 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

A handwritten signature in black ink, appearing to read "Sharon", written over a horizontal line.

Dated: October 14, 2014

SHARON MARCUS-KURN
Deputy Chief
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 809-2913

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

Criminal Division

14crw 3073

In re Arrest Warrant for


Barry Fruendel (DOB 12/16/51)
for the charge of Voyeurism,
in violation of 22 D.C. Code Section 3531.

UNDER SEAL

ORDER

Upon consideration of the motion to seal the affidavit in support of the above-captioned Arrest Warrant, it is this 14th day of October, 2014,

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



Associate Judge, Superior Court
for the District of Columbia