



United States Department of Justice

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June 13, 2016

Hon. Brenda K. Sannes
U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse, New York 13261-7336

**Re: *United States v. Daniel Beal*
Criminal Action No.: 5:16-CR-70 (BKS)**

Dear Judge Sannes:

Please allow this letter motion to serve as the United States' response to the Court's question about the standard language used in Child Exploitation Search and Seizure Warrants and the Court's June 9, 2016, Text Order regarding additional briefing.

At the close of the June 8, 2016, suppression hearing the Court asked the Government if the language set forth in the Search and Seizure Warrant in this case with regards to identifying the person or describing the property to be searched and the corresponding Attachment A and identifying the property to be seized as identified in Attachment B was the standard language used by the Department of Justice and the United States Attorney's Office. The Court in asking the question noted that in another case pending before the Court the Search and Seizure Warrant specifically listed computers in Attachment A. The Government at the hearing stated that it believed other Search and Seizure Warrants had in fact been prepared in the same manner.

At this time the Government would like to take the opportunity to provide the Court with a more complete answer to its question. Specifically, the Government notes that the language set forth in Attachment A in this case which specifically identifies the physical location to be searched in Attachment A but does not then proceed to describe any of the potentially relevant items that might be found within that location is an approved standard form that has been routinely used by the United States Attorney's Office in most search and seizure warrants. Perhaps even more importantly, the language used in the Search and Seizure Warrant in this case was based upon the guidance and practice set forth by the Department of Justice for all cases involving the search and seizure of computers from a premises and not just in the child exploitation context.

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The approved language issued by the Department of Justice's Computer Crime and Intellectual Property Section (CCIPS) to the entire Department of Justice community specifically directs that Search and Seizure Warrants set forth in Attachment A the address and a description of the premises located at that address. The approved form language provided by CCIPS states as an example for Attachment A the following¹:

The property to be searched is **[[PREMISES ADDRESS]]**, further described as
[[a red brick house]]

In addition, to it being the standard language authorized by CCIPS for search and seizure warrants it is also the national standard language approved by the Child Exploitation and Obscenity Section (CEOS). The approved form language provided by CEOS states as an example for Attachment A the following²:

The property to be searched is the residence, property, and curtilage, located at

Furthermore, while conducting National Operations the Department of Justice and its Nationwide Investigation Advisory Committee (NIAC) has also issued standard language that should be used in Search and Seizure Warrants and Attachment A. The most recent nationwide guidance which was issued by the NIAC on November 10, 2015, recommends that Attachment A use the following language³:

The entire property located at [ADDRESS], including the residential building, any outbuildings, and any appurtenances thereto (the SUBJECT PREMISES).
[INSERT FURTHER DESCRIPTION OF THE SUBJECT PREMISES AND/OR
A PICTURE OF THE SUBJECT PREMISES]

Similarly, CCIPS, CEOS and NIAC all list computers and other items specifically in Attachment B under Items To Be Seized as was done in this case.

In conclusion, the language set forth in Attachments A and B of the Search and Seizure Warrant at issue in this matter is the standard language used by this office which has been approved by CCIPS, CEOS and NIAC for use throughout the country by Department of Justice attorneys seeking Search and Seizure Warrants. Even if the language differs from other language set forth in Search and Seizure Warrants submitted by this office to the Court it is still proper and compliant with Department of Justice guidance on the matter. As the Search and

¹ A copy of the approved form is attached hereto as Exhibit 1.

² A copy of the approved form is attached hereto as Exhibit 2.

³ A copy of the approved form is attached hereto as Exhibit 3.

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Seizure Warrant was properly drafted and executed for the reasons set forth in the Government's Opposition Motion the Defendant's Motion to Suppress should be denied.

Respectfully submitted,

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cc: George Hildebrandt, Esq.