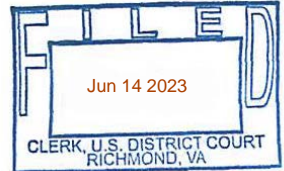


AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia



In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

INFORMATION WITHIN GMAIL USER ACCOUNT:
senatorjoemorrissey@gmail.com STORED AT
PREMISES CONTROLLED BY GOOGLE, LLC

Case No. 3:23-sw-91

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A to Affidavit

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B to Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. §§ 1343, 1346,
1349 & 1951

Honest Services Wire Fraud, Conspiracy to Commit Wire Fraud, Hobbs Act
Extortion

The application is based on these facts:
See Affidavit and Attachments A & B.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA/SAUSA:

Michael C. Moore

Printed name and title

Applicant's signature

Linsey Stem, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).

Date: 06/14/2023

City and state: Norfolk, Virginia

Judge's signature

Robert J. Krask, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

PROPERTY TO BE SEARCHED

This warrant applies to information associated with the Gmail account **senatorjoemorrissey@gmail.com** that is stored at premises owned, maintained, controlled, or operated by Google LLC, a company headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

ATTACHMENT B

INFORMATION TO BE DISCLOSED

I. Information to be disclosed by Google LLC (the “Provider”)

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, regardless of whether such information is stored, held or maintained inside or outside of the United States, and including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A:

a. The contents of all e-mails and information associated with **senatorjoemorrissey@gmail.com** (“the SUBJECT ACCOUNT”), including stored or preserved copies of e-mails sent to and from the account, draft e-mails, the source and destination addresses associated with each e-mail, the date and time at which each e-mail was sent, and the size and length of each e-mail from **January 2, 2020**, to the **PRESENT**;

b. All records or other information regarding the identification of the SUBJECT ACCOUNT, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the SUBJECT ACCOUNT was created, the length of service, the IP address used to register the SUBJECT ACCOUNT, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);

c. The types of service utilized;

d. All records or other information stored at any time by an individual using the SUBJECT ACCOUNT, including address books, contact and buddy lists, calendar data, pictures,

and files;

e. All records pertaining to communications between the Provider and any person regarding the SUBJECT ACCOUNT, including contacts with support services and records of actions taken.

f. All records pertaining to Google services associated with the SUBJECT ACCOUNT including Hangouts, Google Drive, Picasa, Google+, YouTube, Calendar, Google Voice, Blogger, Dashboard, Google Maps and Google Play.

g. All content created or uploaded by, on, or through the SUBJECT ACCOUNT from **January 2, 2020**, to the **PRESENT** including all associated logs and metadata.

h. All content, records and other information relating to interactions between the SUBJECT ACCOUNT and others from January 2, 2020, to the PRESENT, including but not limited to:

i. All users that have blocked the SUBJECT ACCOUNT, and all users the SUBJECT ACCOUNT has blocked;

j. all group information, including group membership and profile reports, group names and pictures, and profile pictures for group members;

k. All transactional information including offline logs, and all records and other information associated with offline messages;

l. All associated logs and metadata;

m. All address book information, including all contacts and related sync information;
and

n. All location information from **January 2, 2020** to the **PRESENT**.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, contraband, evidence and instrumentalities of violations of 18 U.S.C. §§ 1343, 1346, 1349, and 1951 involving the user(s) of the email account **senatorjoemorrissey@gmail.com** and others, including, for each account or identifier listed on Attachment A, information pertaining to the following matters:

- a. Email communications and all content (intrinsic, embedded or attached) relating to the bribery scheme;
- b. Email communication between the account and other co-conspirators not yet identified involving the bribery scheme;
- c. Email communications and all content involving inmates, defendants and their family members or associates;
- d. Email communications that discuss the exchange or transfer of money;
- e. Email communications that identify co-conspirators in the bribery scheme;
- f. Email communications that demonstrate the planning and execution of the bribery scheme;
- g. Information relating to who created, used, or communicated with the account, including records about their identities and whereabouts;
- h. Evidence indicating how and when the account was accessed or used, to determine the geographic and chronological context of account access, use and event relating to the crimes under investigation and to the account owner;
- i. Evidence indicating the account owner's state of mind as it relates to the crimes under investigation;
- j. The identity of the person(s) who created or used the account, including records that help reveal the whereabouts of such person(s); and

k. The identity of the person(s) who communicated with the account about matters relating to the above listed violations, including records that help reveal their whereabouts.

This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorney for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

III. Use of filter team to screen for potentially privileged materials

As noted in paragraph 11 of the affidavit supporting the application for this search warrant, the SUBJECT ACCOUNT holder has not been licensed to practice law or engaged in the practice of law from before January 2, 2020 through to the present. Given the nature of the investigation, though, the government will employ the procedure set forth below for the screening of the information provided by Google pursuant to Section I of Attachment B for material potentially protected by the attorney-client privilege or work-product doctrine.

1. Two teams of government attorneys, analysts, agents, and other personnel will be employed to implement this process:

The “Prosecution Team”: The “Prosecution Team” will consist of agents, investigators, analysts, attorneys for the government, and personnel designated by an attorney for the government who are involved in the investigation and prosecution of any cases relating to this search warrant.

The “Filter Team”: The Filter Team will consist of any agents, investigators, analysts, attorneys for the government, and personnel designated by an attorney for the government who are responsible for screening the information provided by Google pursuant to Section I of Attachment B for “**potentially protected material**” that is protected by the attorney-client privilege or work product doctrine. The Filter Team will consist solely of agents from the Norfolk Field Office of the Federal Bureau of Investigation and of attorneys and other personnel from the Norfolk Division of the United States Attorney’s Office for the Eastern District of Virginia, which attorneys shall supervise the work of the filter team. No agent, attorney, or other personnel from the “Filter Team” will be assigned to the “Prosecution Team.” Furthermore, no agent from the FBI Norfolk Field Office or attorney or other personnel from the Norfolk Division of the U.S. Attorney’s Office will be assigned to the “Prosecution Team.” The Filter Team will play no role in the investigation or prosecution of any case arising from or related to this search warrant.

2. The seized materials provided by Google pursuant to Section I of Attachment B will be turned directly over to the Filter Team for review, whose work must be overseen and supervised by Norfolk Division Assistant U.S. Attorneys. No seized material will be turned over or otherwise reviewed by any member of the Prosecution Team without being first screened by the Filter Team. The Filter Team will review seized communications and segregate **potentially protected materials**, i.e., communications that are to/from an attorney, or that otherwise reference or reflect attorney advice, or attorney work product. At no time will the Filter Team advise the Prosecution Team of the substance of any of the **potentially protected materials**. After review and subject to the direction of supervising attorneys, the Filter Team then will provide all material that is **not** potentially protected to the Prosecution Team for Prosecution Team review.

3. This investigation is presently covert and the government believes that the subject of the search is not aware of this warrant. If the Filter Team identifies potentially protected materials, it will seek further guidance from the magistrate judge issuing the warrant with respect to obtaining a court order or other authorization before providing these potentially protected materials to the Prosecution Team.