

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CRIMINAL NO. 1:21-MJ-476</b>
<b>v.</b>	:	
	:	
<b>MITCHELL PAUL VUKICH</b>	:	
	:	
<b>Defendant.</b>	:	

**STIPULATION REGARDING RETURN OF DIGITAL MEDIA EVIDENCE AND  
ADMISSIBILITY AND USE OF DIGITAL MEDIA EVIDENCE**

The United States of America, by and through the undersigned, and defendant Mitchell Paul Vukich (“Defendant”), by and through his counsel listed below, hereby agree and stipulate as follows:

**RECITALS**

On or about June 23, 2021, pursuant to a court-authorized Search Warrant, Case No. 21-1331, Western District of Pennsylvania, government agents seized certain digital devices that includes of the equipment and evidence itemized in the search warrant return inventory (“Inventory”), incorporated by reference in this Stipulation, from defendant’s residence and/or person during the execution of a search warrant. Specifically, FBI agents seized from the defendant a Samsung cell phone with IMEI# ending in 2209.

Defendant seeks return of the Samsung cell phone with IMEI# ending in 2209 (the “Digital Media”).

Following this seizure, the government has taken photographs of some content from the Digital Media (the “Images”). The government has conducted the search of the Digital Media.

The government intends to use materials discovered as a result of those searches as evidence in the pending and ongoing investigation and prosecution including, possibly, introducing those materials into evidence at trial or other proceedings.

Defendant has requested the return of the Digital Media listed below, and in the interest of expediting the return of the seized equipment and evidence, has agreed to stipulate to the following terms applicable to the specified Digital Media – that is, records, equipment and evidence itemized in the attached Inventory.

### **DIGITAL MEDIA**

The Digital Media for which Defendant seeks return consist of the following:

Samsung cell phone with IMEI# ending in 2209

### **STIPULATION**

Accordingly, the parties AGREE and STIPULATE as follows:

1. The government has agreed to return the Digital Media to defendant or defense counsel once the Images of the Digital Media and evidence thereon are completed.
2. The government will retain the Images of the Digital Media, including all evidence thereon, for use at trial and any other proceedings in this matter.
3. The Images of the Digital Media and/or any other copies are admissible at trial or any other proceeding in this matter to the same extent as the original Digital Media and evidence thereon (including original hard drive and computer disks), including but not limited to copies of the hard drive and printed copies of matters from the Digital Media.
4. Defendant waives any and all objections, and will not object, to the admissibility of the Images (and/or any portion of thereof) from the Digital Media on the grounds of foundation,

foundation, authentication, and/or that the images are duplicates of, or not the original Digital Media, and/or any other objection under Articles IX and X of the Federal Rules of Evidence.

5. The government may retain and continue to examine the Images for materials identified in the search warrant.

6. Defendant agrees to make available upon request by the investigators assisting in this matter access to all returned Digital Media for any further investigative or pre-trial preparation purposes.

7. Defendant retains the right to move to suppress the Images of the Digital Media pursuant to Fed. R. Crim. P. 41.

So stipulated.

Respectfully submitted and agreed,

CHANNING D. PHILLIPS  
ACTING UNITED STATES ATTORNEY

Date: 7/14/2021

By: 

JACOB J. STRAIN  
Utah Bar No. 12680  
Assistant United States Attorney  
555 4th Street, N.W.  
Washington, D.C. 20530

Date: 7-15-2021

  
Mitchell Paul Vukich  
Defendant

Date: 7/16/2021

  
Mark Wilson  
Attorney for Defendant