

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

UNITED STATES OF AMERICA	:	Case No. 21-CR-151 (CKK)
	:	
	:	
v.	:	
	:	
BARTON WADE SHIVELY,	:	
	:	
Defendant.	:	

NOTICE OF FILING

The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully gives notice that undersigned counsel for the government, counsel for defendant, and defendant, Barton Wade Shively, have agreed and stipulated regarding return of digital devices and electronically stored information in the above-mentioned case as outlined in the signed Stipulation Regarding Return of Digital Devices and Electronically Stored Information.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Emory V. Cole
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CERTIFICATE OF SERVICE

On July 2, 2021, a copy of the foregoing notice and attached Stipulation were served on defendant's counsel through the Court's Electronic Filing System.

/s/ *Emory V. Cole*

Emory V. Cole

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	CRIMINAL NO. 21-CR-151 (CKK)
v.	:	
	:	
BARTON WADE SHIVELY,	:	
	:	
Defendant.	:	

**STIPULATION REGARDING RETURN OF DIGITAL DEVICES AND
ELECTRONICALLY STORED INFORMATION**

The United States of America and defendant Barton Wade Shively ("Defendant") hereby agree and stipulate as follows:

RECITALS

1. On or about January 19, 2021, government agents seized, incident to arrest, a certain digital device owned by defendant and electronically stored information. Defendant consented to extract electronically stored information (the "Digital Media") from his cell phone.

2. Defendant has requested the return of the following specified digital device and electronically stored information:

Defendant's cell phone

3. The government has created an exact and accurate image (the "Image") of each of the Digital Media specified in paragraph 2 by performing an extraction for the purpose of searching the Image.

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

STIPULATION

Accordingly, the parties AGREE and STIPULATE as follows:

1. The Images are accurate duplicates of the Digital Media and were created using reliable methods and Defendant waives the right to object to the admissibility of the Images of the Digital Media and the right to question witnesses or make arguments concerning the reliability of the methods used to create the Images.
2. The government will retain and will provide to defense counsel, the Images extracted from the Digital Media.
3. The Digital Media will be returned to Barton Wade Shively or Sarah Lockwood, Esq.
4. 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.
5. The Images of the Digital Media and/or any other copies are “admissible into evidence to the same extent as the original,” within the meaning of Federal Rule of Evidence 1003.
6. The government may continue to examine the Images for materials identified in Digital Media specified in paragraph 1.

So stipulated.

Respectfully submitted and agreed,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar Number 415793

Date: July 2, 2021 By: /s/ Emory V. Cole
Emory V. Cole
Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20530

Date: July 1, 2021 Barton Wade Shively
Barton Wade Shively
Defendant

Date: July 1, 2021 Sarah Lockwood
Sarah Lockwood
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