

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	CRIMINAL NO. 21-CR-112 (CJN)
v.	:	
	:	
DAVID C. MISH, JR.,	:	
	:	
Defendant.	:	

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

The United States of America and defendant David C. Mish, Jr. ("Defendant") hereby agree and stipulate as follows:

RECITALS

1. On or about January 15, 2021, pursuant to a court-authorized search warrant in Case No. 21-MJ-29 (Eastern District of Wisconsin), government agents seized certain digital devices and electronically stored information from defendant's residence and/or person.
2. Defendant has requested the return of the following specified digital devices and electronically stored information (the "Digital Media"): Galaxy A21 cellular telephone (evidence item 1B4, with IMEI 354231112192664 and phone number ending in 5408).
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. 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 has provided to defense counsel, the Images extracted from the Digital Media.
3. The Digital Media will be returned to David C. Mish, Jr., as requested by defense counsel.
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 the Search Warrant consistent with the terms of the Search Warrant.

7. Defendant retains the right to challenge the Search Warrant and move to suppress the Images of the Digital Media pursuant to Fed. R. Crim. P. 41(h).

So stipulated.

Respectfully submitted and agreed,

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

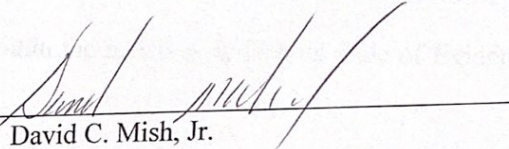


Date: 9-15-2021

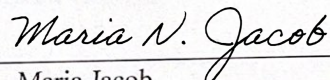
By: _____

Christine M. Macey
Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20530

Date: 9-15-21


David C. Mish, Jr.
Defendant

Date: 9-15-2021


Maria Jacob
Attorney for Defendant