

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : CRIMINAL NO. 21-CR-0041-1  
 :  
 :  
 CINDY FITCHETT, :  
 *Defendant.* :

**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 Cindy Fitchett (“Defendant”), by and through her counsel listed below, hereby agree and stipulate as follows:

**RECITALS**

On or about January 6, 2021, following the Defendant’s arrest in Washington, D.C., government agents seized a certain digital device that includes the equipment and evidence itemized in the search inventory (“Inventory”), incorporated by reference in this Stipulation, incident to her arrest. Defendant signed a consent to search this device on January 12, 2021.

Defendant seeks return of specified digital media described below (the “Digital Media”).

Following this seizure, the government has imaged and/or is imaging the Digital Media. The government has conducted and will continue to conduct a search of the imaged Digital Media (the “Images”).

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 A51 cellular phone associated with phone number [REDACTED]

### **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, 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 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  
D.C. Bar No. 415793

Date: 3/12/2021

By: /s/ Seth Adam Meinero

SETH ADAM MEINERO  
Trial Attorney  
Detailed to the United States Attorney's Office  
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Date: 3/13/2021

Cindy Fitchett  
CINDY FITCHETT  
Defendant

Date: 3/13/21

Peter D. Greenspun  
PETER D. GREENSPUN  
Attorney for Defendant

**Attachment A – INVENTORY**

- Samsung A515U cellular phone (serial number R58N942121B), associated with phone number [REDACTED], from which the following files were imaged:
  - 1,218 files (including videos, photos, and data reports)
  - 1 additional mp4 (20210106\_142457.mp4, created 2:25:17pm on Jan. 6, 2021)