

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-cr-367
	:	
JALISE MIDDLETON, and	:	
MARK MIDDLETON,	:	
	:	
Defendants.	:	

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

The United States of America and defendant MARK MIDDLETON (“Defendant”) hereby agree and stipulate as follows:

RECITALS

1. On or about April 21, 2021, pursuant to court-authorized search warrants in Case Nos. 4:21-MJ-286, 4:21-MJ-287, and 4:21-MJ-288, Eastern District of Texas, 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”):

- Wireless cellular phone assigned phone number 817-269-9352; and
- Wireless cellular phone assigned phone number 940-765-3269.

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/or 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 upon request will provide to defense counsel, the Images extracted from the Digital Media.

3. The Digital Media will be returned to Phillip Linder and/or James Bright, 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.

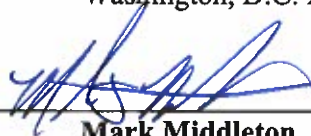
Respectfully submitted and agreed,

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

Date: May 10, 2021 By: /s/ Brian P. Kelly


Brian P. Kelly
Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20530

Date: 10 May 2021



Mark Middleton
Defendant

Date: 5 | 14 | 21



James Bright
Attorney for Defendant