

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CRIMINAL NO. 21-cr-00592-ABJ</b>
<b>v.</b>	:	
	:	
<b>DAVID WIERSMA, and</b>	:	
<b>DAWN FRANKOWSKI,</b>	:	
	:	
<b>Defendants.</b>	:	

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

The United States of America and Defendants David Wiersma and Dawn Frankowski hereby agree and stipulate as follows:

**RECITALS**

1. On or about September 21, 2021, pursuant to a court-authorized search warrant in Case No. 21-M-586 and 21-M-587 (Northern District of Illinois), government agents seized certain digital devices and electronically stored information from Defendant Wiersma’s residence and/or person.

2. Wiersma has requested the return of the following digital device (the “Digital Media”):

A Samsung SM-G955U cell phone bearing serial number R38J6064FEX

3. The government has created an exact and accurate image (the “Image”) 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 Defendants Frankowski and Wiersma waive 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 Wiersma or his counsel. Counsel for Wiersma will make specific arrangements with the government for the return.

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.

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Screenshot\_20211215-101436\_Gallery.jpg

7. Wiersma 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).

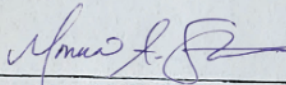
So stipulated.

Respectfully submitted and agreed.

MATTHEW M. GRAVIES  
UNITED STATES ATTORNEY  
D.C. Bar Number 481052

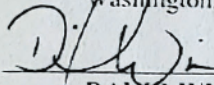
Date: 12/21/2021

By:



MONICA A. STUMP  
Assistant United States Attorney  
555 4th Street, N.W.  
Washington, D.C. 20530

Date: 12/20/2021



DAVID WIERSMA  
Defendant

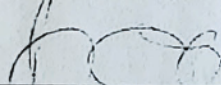
Digitally signed by Joseph R. Conte  
Date: 2021.12.15 16:12:27 -05'00'

Joseph R. Conte

Date:

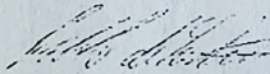
JOSEPH CONTE  
Attorney for Defendant David Wiersma

Date: 12/9/21



DAWN FRANKOWSKI  
Defendant

Date: 12/8/2021



PABLO deCASTRO  
Attorney for Defendant Dawn Frankowski