

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|--------------------------|---|-------------------|
| UNITED STATES OF AMERICA | : | |
| | : | |
| v. | : | |
| | : | 1:21-CR-00738-BAH |
| MICHAEL OLIVERAS | : | |
| | : | |
| | : | |
| | : | |
| Defendant. | : | |

**STIPULATION REGARDING RETURN OF DIGITAL MEDIA EVIDENCE AND
ADMISSIBILITY AND USE OF DIGITAL MEDIA EVIDENCE**

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

RECITALS

1. On or about December 9, 2021, pursuant to a court-authorized search warrant in Case No. 21-17086 (SAK) in the District of New Jersey, 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”): Apple iPhone 12 Pro Max, IMEI 358686416986226.
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, upon request will provide, to defense counsel, the Images extracted from the Digital Media.
3. The Digital Media will be returned to defendant or defense counsel, 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).

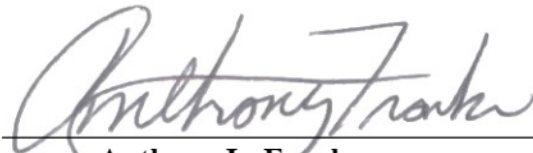
So stipulated.

Respectfully submitted and agreed,

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

Date: 12/29/2021

By:



Anthony L. Franks

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

Date: 12/28/2021

s/ Michael Oliveras

Michael Oliveras
Defendant

Date: 12/28/2021



Lori Koch
Attorney for Defendant