

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION – MISDEMEANOR BRANCH**

UNITED STATES OF AMERICA

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2021 CMD 000191

*

v.

*

Judge Judith A. Smith

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ANDREW JOHNSON

*

Status Hearing

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11/5/2021 @ 2:15 p.m.

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Courtroom 112

ORDER

This case comes before the Court on Defendant's Motion for Return of Property, filed September 20, 2021. The Government filed an Opposition to Defendant's Motion for Return of Property on October 4, 2021. Defendant requests that the Court require the Metropolitan Police Department to return the cell phone seized from him at the time of his arrest in this case. Defendant argues that the Government has completed forensic analysis of the phone and has no reason to retain the phone, as it has no further evidentiary purpose. In its Opposition, the Government states that only a partial data extraction has been completed on Defendant's phone and the search warrant has not been fully executed.

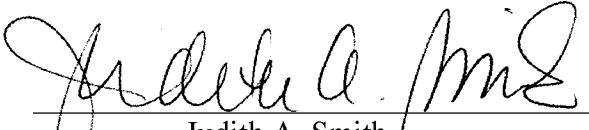
The Court concludes that Defendant's cell phone is still evidence in a pending criminal investigation, and notes that the search warrant for the contents of the device has not been fully executed. Further, Defendant has not made any argument that the device was illegally seized, nor has he stated a legal basis requiring return of the device while criminal investigation is still pending. The Court will therefore deny the Motion to Return Property without prejudice, subject to subsequent information that the Government has fully executed the warrant and extracted the necessary data from the device.

Accordingly, it is this 2nd day of November, 2021, hereby

ORDERED that Defendant's Motion for Return of Property, filed September 20, 2021, is **DENIED WITHOUT PREJUDICE**. It is further

ORDERED that Defense Counsel shall notify Defendant of the Court's Order as, under current operating conditions, the Court is unable to send a copy of this Order by mail to Defendant.

SO ORDERED.


Judith A. Smith
Associate Judge

Copies to:

Andy Wang
Kathleen Gibbons
Paul Courtney
United States Attorney's Office
Via CaseFileXpress

Peter Odom
Counsel for Defendant
Via CaseFileXpress