



**STETSON LAW**

**2018  
Eleventh Annual  
National Pretrial Competition  
  
Competition Problem**

This Competition will be held October 11-14, 2018  
at Stetson University College of Law  
Gulfport, Florida

The 2018 Stetson Law National Pretrial Competition Problem was drafted by Stetson University College of Law Alumni Brandon K. Breslow, Esq., (J.D. '16) and Lara E. Breslow, Esq., (J.D. '16) in association with the Stetson University College of Law Center for Excellence in Advocacy, Advocacy Center Director Charles Rose III, Advocacy Center Assistant Director Erika S. McArdle (JD '12), and Professor Julia Metts (J.D. '04). The 2018 Competition Problem is the property of the Stetson Law Center for Excellence in Advocacy.

## **PRELIMINARY NOTE FROM THE CASE PROBLEM AUTHORS**

Thank you for joining Stetson University College of Law for the Eleventh Annual National Pretrial Competition. We are excited to implement some changes to the rules and format of the Competition. Please review the Competition Rules carefully.

This year, the Competition Problem released on August 20, 2018, will be the entirety of the materials teams will receive in anticipation of the Competition. The characters in the Case Problem are fictional, and any similarity between the Competition Problem and the facts of real cases or other situations is purely coincidental.

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*CASE NO. 15:18-CR-00777-NB-EE*

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF STETSON  
METTS CITY DIVISION

UNITED STATES OF AMERICA,

CASE NO.: 15:18-my-01452-EE

v.

JASON MENDOZA

Defendant.

\_\_\_\_\_ /

**CRIMINAL COMPLAINT**

I, the complainant in this case, state the following is true to the best of my knowledge and belief. On or about the dates of December 1, 2015, through March 25, 2018, in Metts City in the Southern District of Stetson, JASON MENDOZA committed the offense(s) of:

(1) Distribution of Controlled Substance (Heroin), in violation of 21 U.S.C. § 841(a)(1).

This Complaint is based on these facts: Included in the attached Affidavit.

Shawn Michaels

Complainant's Signature

SA SHAWN MICHAELS, DHS

Printed Name and Title

Sworn to before me and signed in my presence.

Date: 4/30/2018

Erin Engel

Judge's Signature

City and State: Metts City, Stetson

HON. ERIN ENGEL

Printed Name and Title

## STATE OF STETSON

### METTS CITY

#### AFFIDAVIT

I, Shawn Michaels, Special Agent, Department of Homeland Security (DHS), after being duly sworn, depose and state the following:

#### INTRODUCTION

1. I am a Special Agent with DHS and have been so employed for approximately 22 years. I am currently assigned to the Task Force Against Terrorism out of the DHS Cape Adams office. The Task Force is responsible for investigating any and all threats of terrorism, international drug trafficking, and human trafficking in Metts City, Gordon County at large, and its surrounding suburbs and counties. I have participated in dozens of investigations of such offenses. I am the Task Force's liaison to the Transportation Security Administration (TSA) and Customs and Border Protection (CBP) hubs at Cape Adams International Airport in Stetson.

2. I began my career at the Gordon County Sheriff's Office after graduating from Stetson State University with a bachelor's degree in Criminology and Law in 1994. In 1996, I became a Special Agent with DHS. I have participated in various training courses for the investigation of and enforcement of federal terrorism offenses, drug trafficking offenses, and human trafficking offenses. I am also an instructor of narcotics identification courses for new recruits in the academy. Additionally, I have been involved in authoring and participated in the execution of search warrants involving searches and seizures of computers, cellular phones, software, and electronically stored information.

3. I make this affidavit based upon personal knowledge derived from my participation in the investigation into JASON MENDOZA; information that I have learned from discussions with other DHS Special Agents and employees, as well as TSA and CBP agents. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a criminal complaint for MENDOZA, I have not set forth every fact I learned as a result of this investigation. Rather, I have set forth only those facts I believe are necessary to establish probable cause that a violation of federal law has been committed. Unless otherwise noted, all statements of other persons described herein are set forth in substance and in part, rather than verbatim.

4. This affidavit is submitted in support of a criminal complaint against MENDOZA for a violation of 21 U.S.C. § 841(a)(1). As set forth in more detail below, I believe there is probable cause that MENDOZA unlawfully distributed Heroin in excess of one (1) kilogram in the Southern District of Stetson between December 1, 2015, and March 25, 2018.

5. 21 U.S.C. § 841(a)(1) prohibits the knowing and intentional distribution of mixtures or substances containing detectable amounts of Heroin in excess of one kilogram and provides a mandatory minimum prison sentence for such an offense.

#### **SUMMARY OF INVESTIGATION**

6. On March 31, 2018, I was on duty at the DHS Cape Adams office when I received a telephone call from CBP Agent Eleanor Shellstrop at the Cape Adams International Airport (CAA) regarding a passenger, an American citizen, being detained at the border for investigation. I inquired into how long he had been detained, and I

learned it had only been for fifteen minutes. I proceeded to drive to CAA and arrived at the CBP office therein thirty minutes later.

7. When I arrived, I was debriefed by Agent Shellstrop. She informed me that MENDOZA was being detained for further questioning and investigation subject to the Department's recently initiated Fun and Friendly Skies domestic surveillance program (FFS).

8. FFS launched in February 1, 2018, to act as an additional measure of support for aviation security monitoring. Since its enactment, FFS has monitored approximately 7,500 citizens in an effort to mitigate the threat of unknown or partially-known terrorists. FFS only monitors suspected travelers during their domestic travel; although date, time, and locations of international travel is recorded for each individual suspected traveler, FFS does not currently document conduct in international airports.

9. FFS utilizes a proprietary algorithm and software program known as the Justified Assessment and Notification Emergency Tracker (JANET). JANET identifies individuals and analyzes potential threats based on their travel history, behavior, and other criteria. All United States citizens who enter the country through a Port of Entry are automatically screened for inclusion in FFS. The individuals monitored under FFS are not under investigation by any agency and are not in the Terrorist Screening Database.

10. The considerations for continued screening under FFS specifically remove traditional demographic metrics, such as age, gender, race or ethnicity, and known religious affiliations. Instead, JANET collects and filters information regarding travel

patterns, including frequency of travel, span of time between travel, and known concerns or threats at the departure and arrival destinations, as well as the suspect traveler's conduct within the airport.

11. Monitored behavior within the airport includes patterns of movement inside terminals, boarding times and methods, nature of luggage or other items located with or on the suspect traveler, eating or drinking patterns, physical observations, and interactions with other passengers. JANET also tracks trends for each individual trip with regard to variations in the suspect traveler's behavior of identified movements, manner of transportation to and from the airport, and noticeable changes in the suspect traveler's physical appearance.

12. JANET provides continuous notification to Federal Air Marshals (FAMs). When an individual is selected for further surveillance, a team of FAMs are placed on that individual's next flight. FAMs continue to monitor the suspect traveler's conduct on the flight, including timing of movements, sleeping patterns, and conversations with passengers and flight crew, amongst other factors. The observations documented by FAMs are thereafter uploaded to the JANET database for any suspected traveler who is subject to this additional in-flight screening.

13. MENDOZA was first identified as a suspected traveler under FFS on February 6, 2018, upon his re-entry into the United States at CAA on a direct flight from Vancouver. Between February 5, 2018, and March 31, 2018, MENDOZA traveled on thirty-four flights. Of these flights, fifteen were international flights, and nineteen were domestic flights. The dates and destinations of each flight are as follows:

	<u>Date</u>	<u>Departure</u>	<u>Arrival</u>
1	February 5, 2018- February 6, 2018	Singapore, SG (SIN)	Los Angeles, CA, US (LAX)
2	February 7, 2018	Los Angeles, CA, US (LAX)	Vancouver, CA (YVR)
3	February 9, 2018- February 10, 2018	Vancouver, CA (YVR)	Cape Adams, ST, US (CAA)
4	February 11, 2018	Cape Adams, ST, US (CAA)	New York, NY, US (JFK)
5	February 11, 2018- February 12, 2018	New York, NY, US (JFK)	Frankfurt, DE (FRA)
6	February 12, 2018	Frankfurt, DE (FRA)	Moscow, RU (SVO)
7	February 14, 2018	Moscow, RU (SVO)	Singapore, SG (SIN)
8	February 15, 2018- February 16, 2018	Singapore, SG (SIN)	Los Angeles, CA, US (LAX)
9	February 18, 2018	Los Angeles, CA, US (LAX)	Cape Adams, ST, US (CAA)
10	February 20, 2018	Cape Adams, ST, US (CAA)	Miami, FL, US (MIA)
11	February 20, 2018	Miami, FL, US (MIA)	Cape Adams, ST, US (CAA)
12	February 22, 2018	Cape Adams, ST, US (CAA)	Newark, NJ, US (EWR)
13	February 22, 2018- February 23, 2018	Newark, NJ, US (EWR)	Dubai, UAE (DXB)
14	February 25, 2018	Dubai, UAE (DXB)	London, GB (LHR)
15	February 28, 2018	London, GB (LHR)	Washington, DC, US (IAD)
16	March 2, 2018	Baltimore, MD, US (BWI)	Cape Adams, ST, US (CAA)
17	March 4, 2018	Cape Adams, ST, US (CAA)	Miami, FL, US (MIA)
18	March 4, 2018	Miami, FL, US (MIA)	Cape Adams, ST, US (CAA)
19	March 6, 2018	Cape Adams, ST, US (CAA)	Miami, FL, US (MIA)
20	March 6, 2018	Miami, FL, US (MIA)	Cape Adams, ST, US (CAA)

21	March 9, 2018	Cape Adams, ST, US (CAA)	Los Angeles, CA, US (LAX)
22	March 12, 2018- March 13, 2018	Los Angeles, CA, US (LAX)	Moscow, RU (SVO)
23	March 15, 2018- March 16, 2018	Moscow, RU (SVO)	Singapore, SG (SIN)
24	March 16, 2018	Singapore, SG (SIN)	Brisbane, AU (BNE)
25	March 18, 2018- March 19, 2018	Brisbane, AU (BNE)	Los Angeles, CA, US (LAX)
26	March 19, 2018	Los Angeles, CA, US (LAX)	Cape Adams, ST, US (CAA)
27	March 21, 2018	Cape Adams, ST, US (CAA)	Miami, FL, US (MIA)
28	March 21, 2018	Miami, FL, US (MIA)	Cape Adams, ST, US (CAA)
29	March 23, 2018	Cape Adams, ST, US (CAA)	Fort Lauderdale, FL, US (FLL)
30	March 23, 2018	Fort Lauderdale, FL, US (FLL)	Bogota, CO (BOG)
31	March 25, 2018	Bogota, CO (BOG)	Miami, FL, US (MIA)
32	March 25, 2018	Miami, FL, US (MIA)	Cape Adams, ST, US (CAA)
33	March 28, 2018	Cape Adams, ST, US (CAA)	Vancouver, CA (YVR)
34	March 30, 2018- March 31, 2018	Vancouver, CA (YVR)	Cape Adams, ST, US (CAA)

14. A review of MENDOZA's JANET record revealed that MENDOZA (1) traveled alone on all aforementioned flights; (2) changed clothes while on aforementioned flights 1, 3, 5, 8, 13, 22, 23, 25, and 34; (3) traveled with only a blue duffle bag on all aforementioned flights; (4) observed his surroundings prior to making any phone call in the airport; (5) used a privacy protector on his laptop screen and phone; and, (6) did not drink alcohol prior to or during any aforementioned flight.

15. I entered the room in which MENDOZA was being detained. He appeared to be perusing a news feed on Twitter using his Apple iPhone X. I introduced myself as a DHS Special Agent and asked MENDOZA if he knew why he was being detained. MENDOZA responded, "No."

16. I asked MENDOZA his occupation. MENDOZA explained he has been employed as an independent food and beverage distributor for restaurant chains throughout the United States since 2014. In Stetson, he was the food and beverage distributor for The Wing Dump, a restaurant and sports bar chain that serves chicken wings and other fried foods. The Wing Dump has 68 locations nationwide and two in Vancouver; The Wing Dump is in the process of expanding franchise locations overseas, including in European and Asian markets.

17. I proceeded to ask MENDOZA about his recent international travel (the aforementioned flights), and he responded that his employment required him to travel abroad to meet with vendors and suppliers, as well as to conduct quality control evaluations.

18. MENDOZA had a blue duffle bag placed next to his chair. I proceeded to pick up MENDOZA's bag, place it on the table in the interrogation room, and retrieve the bag's contents. Located inside the duffle bag were an Apple MacBook Pro laptop, an Apple lightning charging cable, an Apple laptop charging cable, miscellaneous clothes, a toothbrush, toothpaste, and a notebook. I opened the notebook and found a handwritten calendar of international shipments to the United States dating back to March 2015, including a Port of Departure and a domestic Port of Entry. I called Agent Shellstrop into

the room and asked that she copy the pages in the notebook so it may be returned to MENDOZA.

19. When Agent Shellstrop returned to the room with the copied pages and MENDOZA's notebook, I proceeded to put the items from MENDOZA's duffle bag back into the bag when I felt a hard rectangle on the left side of the bag. I located a small zipper inside the lining of the bag and retrieved an Apple iPhone 6 that was turned off. I asked MENDOZA if he knew this phone was in his duffle bag, and he said that it was his business phone.

20. I turned the phone on, but the phone was secured using an Advanced Password feature. I asked MENDOZA for the password, and MENDOZA replied with an inquiry as to whether he was required to allow me to search his phone. I explained to MENDOZA that he had no privacy while at the border into his country. MENDOZA stated the password was "B-O-R-T-L-E-S."

21. I entered the password MENDOZA provided into the iPhone 6. The phone appeared to recently be restored to factory settings. There was no call or message history, no internet browsing history, and no downloaded applications. I asked MENDOZA why the phone was "empty." He explained that his phone became corrupted when he used the Wi-Fi at an internet café while in Vancouver on March 29, 2018, and was instructed by his friend to restore the phone's factory settings.

22. I explained to MENDOZA that I would be seizing the phone for up to 30 days for a forensic search of its contents. MENDOZA objected and asked for me to call

his lawyer. I responded to MENDOZA that he was free to leave without his phone. I did not believe I had any basis to continue to detain MENDOZA at that time.

23. MENDOZA picked up his bag and left, continuing to turn back to look at me. I was informed by a TSA agent that MENDOZA immediately placed a call on his iPhone X when he was permitted to pass the border in CAA. MENDOZA appeared to be screaming nervously to the recipient of his call.

24. MENDOZA's iPhone 6 was placed in an evidence bag by Agent Shellstrop, and I left CAA with the iPhone 6 to bring to our DHS technicians for review at the Cape Adams office. I returned to my office and opened an investigative file on MENDOZA. I called DHS Cyber Analyst Vic Sengupta and asked for him/her to meet me in my office.

25. I recounted the day's events with Sengupta and asked he/she conduct a forensic search of MENDOZA's iPhone 6. Sengupta told me it would take two to four weeks to run a full forensic search of the phone, including retrieving any previously deleted items. I asked Sengupta to send me any pertinent data from MENDOZA's phone as it was recovered.

26. On April 3, 2018, I inquired with TSA about MENDOZA's travel history since January 1, 2015. MENDOZA's international and domestic travel schedule, similar to that described above, began on October 26, 2015, and consisted of one hundred and ninety-six flights in that timespan, with approximately 58% of those flights consisting of international travel.

27. On April 16, 2018, I received a letter from the Federal Public Defender's Office on behalf of MENDOZA. The letter requested MENDOZA's iPhone 6 be returned

to MENDOZA within three business days. I ignored the letter and no further action was taken in this regard.

28. On April 20, 2018, I received an email from Sengupta informing me that on March 29, 2018, MENDOZA used proprietary corruption software to delete the contents of his iPhone 6 while in Vancouver, Canada. The phone was not turned on until MENDOZA's detainment at CAA. The contents of the phone at the time of corruption, however, were able to be retrieved.

29. Sengupta retrieved hundreds of text message between MENDOZA, using the alias "JIANYU LI," and Seth "Pillboi" Oliver, a known lieutenant for international, Russian-based drug kingpin Tahani. Those messages discussed (1) planned meetings between MENDOZA and Oilver in Australia, Canada, Colombia, Germany, Russia, Singapore, and United Arab Emirates; and (2) the international shipment of meat or other food products for The Wing Dump through a corporation linked to Tahani using Ports of Entry in Los Angeles and Miami.

30. Sengupta further retrieved hundreds of text messages dating back to November 2015 between MENDOZA and Derek Hofstetler, the district manager for The Wing Dump and an alleged member of the gang 60-PDC. Those messages discussed (1) meetings between MENDOZA and Oliver, including the conversations in such meetings; (2) illicit substances referred to as "drumsticks"; and (3) the international transfer of funds to shell corporations.

31. The last message MENDOZA sent to Hofstetler was on March 29, 2018: “Tahani learned from Trevor that WD is with 60-PDC. No more drumsticks. Need new hens. We will need to clean the coop.”

32. Based on the foregoing messages, I concluded that MENDOZA is likely affiliated with 60-PDC and was distributing a controlled substance concealed in The Wing Dump’s international food shipments.

33. After learning about the distribution scheme, I called a contact at the Gordon County Sherriff’s Office on April 21, 2018, to determine if The Wing Dump location in Metts City maintained a security system and to what extent the system stored historical information, such as recordings of the property.

34. On April 22, 2018, my contact at the Gordon County Sherriff’s Office informed me that The Wing Dump location in Metts City uses a private contractor for on-site security. The company, Timeclock Security, stores any obtained security footage for up to five years.

35. On the same day, I called Quinston Timeclock, the owner of Timeclock Security, to obtain the outdoor security footage for The Wing Dump since November 4, 2015. Timeclock complied with my request and provided us the digital footage via secured email on April 23, 2018.

36. I, along with two other DHS Special Agents, reviewed the footage over the course of three days, ending on April 26, 2018. Our review determined that MENDOZA would arrive at The Wing Dump on the same night as weekly food deliveries starting on December 1, 2015. On nearly two dozen occasions, footage showed Hofstetler paying

MENDOZA large sums of cash secured in a folded envelope upon the arrival of a shipment. MENDOZA would then enter the restaurant's annexed meat locker, where the shipment would purportedly be unpacked, and emerge about one hour later with a red duffle bag.

37. On ten occasions, MENDOZA can be seen retrieving a quarter-sized bag from the red duffle bag that I estimated, based on my knowledge of, training in, and experience with street-level drugs and narcotic identification, to be 100 milligrams of pure Heroin and selling it to an unidentified staff member at The Wing Dump.

38. On one occasion, March 25, 2018, MENDOZA arrived at The Wing Dump location in Metts City for the restaurant's weekly food shipment. Hofstetler was not present in the footage. After emerging from the meat locker at 11:42 p.m. with his red duffle bag, MENDOZA was confronted by Trevor Scott, a lieutenant in the gang Immortal Beings. MENDOZA and Scott had a physical confrontation, during which time the red duffle bag opened and at least one (1) kilogram of an off-white or tan, powdery substance I believed to be Heroin was visible in the footage. MENDOZA and Scott appeared to vociferously and aggressively exchange words before parting ways at 11:55 p.m.

**CONCLUSION**

39. Based on the foregoing observations, I believe there is probable cause that JASON MENDOZA, unlawfully distributed Heroin in excess of one (1) kilogram in the Southern District of Stetson between December 1, 2015, and March 25, 2018.

This concludes my affidavit.

Shawn Michaels  
Shawn Michaels, Special Agent  
Department of Homeland Security

Sworn to and Subscribed Before Me

HON. ERIN ENGEL  
Erin Engel  
United States Magistrate Judge

**STATE OF STETSON**

**METTS CITY**

**SUPPLEMENTAL AFFIDAVIT**

I, Shawn Michaels, Special Agent, Department of Homeland Security (DHS), after being duly sworn, depose and state the following:

**SUMMARY OF ARREST OF JASON MENDOZA**

1. On April 30, 2018, a Criminal Complaint was entered in the Southern District of Stetson by the Honorable Erin Engle, establishing probable cause to arrest JASON MENDOZA for the unlawful distribution of Heroin, in violation of 21 U.S.C. § 841(a)(1).

2. Upon entry of the Criminal Complaint, I left the Metts City federal courthouse to arrest MENDOZA at his home. MENDOZA was not present upon my arrival at 6:42 p.m.

3. I called my contact at the Gordon County Sheriff's Office at 7:04 p.m. to ask that patrol units be on alert for MENDOZA or his 2017 TESLA Model X, Stetson License Plate No. 80RT3LZ.

4. On April 31, 2018, at 2:32 a.m., I received a call from Gordon County Deputy Toddrick Kemple (ABN 59203) to inform me MENDOZA's vehicle was located in a commercial area at 99 Scully Drive. Deputy Kemple stated that MENDOZA was not seen in the immediate area surrounding his vehicle, and all nearby businesses were closed.

5. I immediately proceeded to meet Deputy Kemple at MENDOZA's vehicle when, while on my way, I received a follow up call from Deputy Kemple. Deputy Kemple

was notified by GCSO dispatch that they had received a concerned citizen 911 call at approximately 2:41 a.m. The anonymous caller claimed that while driving westbound on North Hitchcock Lane approaching Scully Drive, he observed an individual matching MENDOZA's description launching an unknown flaming object into the Pie Hard Bakery located at 102 Scully Drive. Pie Hard Bakery is owned by Paula Ouncerock, wife of Trevor Scott.

6. At 3:02 a.m., I arrived at 99 Scully Drive to locate MENDOZA's vehicle. I observed MENDOZA entering his vehicle upon my arrival to the scene. I immediately commanded MENDOZA to exit the vehicle, to which he complied. I secured MENDOZA in standard issue handcuffs and read MENDOZA his Miranda Rights as provided on my November 2017 United States Attorney's Office-issued card. Deputy Kemple conducted a pat-down search of MENDOZA, which yielded a green BIC lighter located in his front pants pocket, and placed him inside his marked patrol vehicle. No additional contraband was located on MENDOZA.

7. During Deputy Kemple's search of MENDOZA, I proceeded to walk to 102 Scully Drive. At that time, I observed dark grey smoke and the strong odor of alcohol emanating from inside the building. Upon approach, I also observed several pieces of broken glass on the sidewalk outside of the Pie Hard Bakery, and a small, contained fire inside the building. Gordon County Fire Rescue arrived on the scene due to the anonymous 911 call, and successfully extinguished the fire.

8. I accompanied Deputy Kemple in transporting MENDOZA to the Gordon County Jail for processing. Deputy Kemple had no further role in this investigation.

**CONCLUSION**

9. Based on the foregoing observations, I believe there is probable cause that JASON MENDOZA, unlawfully possessed a destructive device, specifically a “Molotov Cocktail,” in furtherance of a crime of violence, to wit: Arson, in violation of 18 U.S.C. § 844(i).

This concludes my affidavit.

Shawn Michaels  
Shawn Michaels, Special Agent  
Department of Homeland Security

Sworn to and Subscribed Before Me

Leonard Knox  
Leonard Knox, Director  
Department of Homeland Security

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF STETSON  
METTS CITY DIVISION**

UNITED STATES OF AMERICA,

CASE NO.: *15:18-cr-00777-NB-EE*

v.

JASON MENDOZA

Defendant.

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**INDICTMENT**

The Grand Jury charges:

**COUNT ONE**

**Distribution of Controlled Substance (21 U.S.C. § 841(a)(1))**

Beginning on December 1, 2015, and through March 25, 2018, in the Southern District of Stetson, **JASON MENDOZA** did knowingly and intentionally distribute mixtures or substances containing detectable amounts of a Schedule I controlled substance, to wit: **more than one kilogram of Heroin.**

All in violation of 21 U.S.C. § 841(a)(1), the penalty for which is set forth in 21 U.S.C. § 841(b)(1)(A).

**COUNT TWO**

**Possession of a Destructive Device in Furtherance  
of a Crime of Violence (18 U.S.C. § 924(c)(1)(B)(ii))**

On April 30, 2018, in the Southern District of Stetson, **JASON MENDOZA** possessed a destructive device, specifically a “Molotov Cocktail,” in furtherance of a crime of violence, to wit: **Arson, in violation of 18 U.S.C. § 844(i).**

All in violation of 18 U.S.C § 924(c)(1)(B)(ii), the penalty for which is set forth in the same subsection.

A True Bill,

Zachary Czytchu  
Zachary Czytchu, Foreperson

Roger Gunn  
Roger Gunn  
Criminal Division Chief o/b/o  
**Douglas Delap**  
**United States Attorney for the Southern District of Stetson**

Kate Littlejohn  
Kate Littlejohn  
Assistant United States Attorney o/b/o  
**Douglas Delap**  
**United States Attorney for the Southern District of Stetson**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF STETSON  
METTS CITY DIVISION**

UNITED STATES OF AMERICA,

CASE NO.: 15:18-cr-00777-NB-EE

v.

JASON MENDOZA

Defendant.

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**NOTICE OF HEARING**

An Indictment having been returned against Defendant Jason Mendoza on May 23, 2018, and Mr. Mendoza having entered a plea of Not Guilty at his Arraignment on May 30, 2018, the parties are to appear before the Court on June 13, 2018, at 1:30 p.m. for a **STATUS CONFERENCE**. The parties should be prepared to address with the Court all matters pertaining to the scheduling of this case for trial, including the tentative filing and disposition of any dispositive or evidentiary motions.

*Nicholas Byrne*

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Nicholas Byrne  
Chief United States District Judge  
Southern District of Stetson

Copies to:

United States Attorney's Office – Criminal Division  
Federal Public Defender's Office

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF STETSON  
METTS CITY DIVISION

UNITED STATES OF AMERICA,

CASE NO.: 15:18-cr-00777-NB-EE

v.

JASON MENDOZA,

Defendant.

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Status Conference

June 13, 2018

1:30 p.m. Docket

The Honorable Nicholas Byrne  
Chief United States District Judge  
Southern District of Stetson

## COUNSEL:

ROGER GUNN, ESQ.  
KATE LITTLEJOHN, ESQ.  
United States Attorney's Office  
Southern District of Stetson  
1405 61st Street South  
Suite 2701  
Metts City, Stetson 86750

Counsel for the United States of America

ALLISON ADAMS, ESQ.  
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Southern District of Stetson  
1405 61st Street South  
Suite 2300  
Metts City, Stetson 86750

Counsel for Defendant Jason Mendoza

1 [COURT IN SESSION AT 1:32 P.M.]

2 THE COURT: Good afternoon, please be seated. Madam Clerk,  
3 will you please call the case?

4 CLERK: The case before the Court is United States of  
5 America versus Jason Mendoza. Case number 15:18-CR-777.

6 THE COURT: Will the parties state their appearances for the  
7 record, starting with the United States?

8 MS. LITTLEJOHN: Kate Littlejohn on behalf of the United  
9 States of America. Seated to my left is Chief Assistant United  
10 States Attorney Roger Gunn.

11 THE COURT: Hello, Mr. Gunn. To what do I owe the pleasure?

12 MR. GUNN: The pleasure is all mine, Judge.

13 MS. ADAMS: Good afternoon, Your Honor. Allison Adams of the  
14 Federal Public Defender's Office on behalf of Mr. Mendoza, who  
15 is present in the courtroom.

16 THE COURT: For the record, Mr. Mendoza is still in custody.  
17 At what amount did Judge Engel set the bond?

18 MS. LITTLEJOHN: Considering the severity of the charges—

19 MS. ADAMS: \$25,000 on the distribution count, and \$50,000  
20 on the 924(c).

21 THE COURT: I see. That is a hefty price to pay.

22 MS. ADAMS: Yes, it is, Your Honor. We are hopeful Mr.  
23 Mendoza's family will be able to come up with the money. As I

1 assume the Court is aware, this case may end up being the  
2 subject of some lengthy litigation.

3 THE COURT: That it will be, Ms. Adams, which is why I  
4 called this conference. Ms. Adams, will you please fill the  
5 Government and the Court in on what we will be litigating?

6 MS. ADAMS: As of right now, my office is in the process of  
7 drafting two motions that we suspect will travel together  
8 throughout this case. The first one is a motion to dismiss Count  
9 Two—the 924(c) charge—for vagueness.

10 THE COURT: *Dimaya* and *Johnson*, then?

11 MS. ADAMS: Yes, and more recently *Salas* out of the Tenth  
12 Circuit, which went our way.

13 MS. LITTLEJOHN: The Court should also be aware that *Salas*  
14 did not address whether courts should apply the categorical  
15 approach to 924(c) or use the facts of the underlying  
16 allegations in the same indictment. A constitutional avoidance  
17 theory. There are other circuits also weighing this issue right  
18 now, including the Eleventh Circuit en banc. I believe the Third  
19 Circuit addressed this issue within the last few years, as well.

20 MS. ADAMS: But that was before *Dimaya*.

21 THE COURT: I see. Is the Government asking we stay the  
22 prosecution of Mr. Mendoza until at least one circuit or the  
23 Supreme Court decides in its favor and release Mr. Mendoza on

1 his own recognizance until then? Does the defense want to make  
2 such a motion?

3 MS. ADAMS: Mr. Mendoza moves—

4 MS. LITTLEJOHN: Not so fast. The United States is happy to  
5 litigate this issue right here, right now.

6 THE COURT: Great. Let me just say this. The 924(c) charge  
7 carries a mandatory minimum of 30 years. That is, frankly,  
8 remarkable. The way I read the greater weight of the case law is  
9 that the underlying charge—arson under 844(i)—cannot meet the  
10 elements clause. So the Government needs the residual clause to  
11 pass constitutional muster to go forward on Count Two?

12 MS. LITTLEJOHN: Yes, Your Honor. We are moving forward only  
13 on the residual clause.

14 THE COURT: Great. At least that is settled. I will expect  
15 the defense to submit its brief by—

16 MS. ADAMS: Judge Byrne, I apologize for interrupting, but  
17 we do anticipate filing another motion regarding Count One.

18 THE COURT: What will that be? Are we dealing with  
19 trafficking analogues?

20 MS. ADAMS: No, definitely not. As the Government's criminal  
21 complaint lays out, Mr. Mendoza only became the subject of an  
22 investigation through a TSA program called Fun and Friendly  
23 Skies. This program is arbitrary, invasive, and does not provide  
24 any lawful basis for individualized suspicion.

1           Additionally, TSA seized Mr. Mendoza's phone at the border  
2 without a warrant, a practice which the Supreme Court's  
3 decisions in *Riley* and *Carpenter* clearly undermine. They then  
4 took the phone for more than four weeks to run a forensic  
5 search—

6           MR. GUNN: As explained in our complaint, the United States  
7 believes Mr. Mendoza was not acting alone in his drug  
8 distribution activity or when he threw a Molotov Cocktail into a  
9 bar. We have every reason to believe he has ties to the gang 60-  
10 PDC.

11           MS. ADAMS: This is conjecture and defamatory. The  
12 Government says it has every reason to believe this, but it  
13 lacks any evidence. Otherwise, Mr. Mendoza wouldn't be the only  
14 person charged in a two-page Indictment.

15           THE COURT: Enough. This can be handled with a motion to  
16 suppress. I hope the United States' intentions here are earnest,  
17 or at the very least supported by the law. That being said, the  
18 Defendant faces a significant burden on this issue in light of  
19 *Vergara* and *Touset*.

20           Here is what I expect. Defense will file its motions by the  
21 end of this week. I want one memo of law from each side filed by  
22 the close of business on Thursday, September 13 that addresses  
23 both issues. Defense has up to twenty-five pages under the local  
24 rules, and the Government has twenty.

1 MS. LITTLEJOHN: Without a hearing on the motion to suppress  
2 yet, how are we supposed to submit a memo?

3 THE COURT: You will have until Friday, August 17 to engage  
4 in and exchange discovery. If both parties are offering experts,  
5 I am ordering they be tendered for a deposition by the opposing  
6 party before that deadline. Please file those depositions and  
7 any applicable discovery in a joint notice of filing with the  
8 Court by the close of business on August 17. You can cite to  
9 that discovery in your motion and, of course, the other court  
10 filings already in the docket. We will then have a hearing on  
11 the motions.

12 MS. ADAMS: How would Your Honor like us to proceed on the  
13 motions at the hearing?

14 THE COURT: Let's schedule the hearing for October 12. I  
15 will give each side 20 minutes to argue on the motion to dismiss  
16 Count Two. We will then take evidence on the motion to suppress  
17 from both sides. The Government will go first in presenting  
18 evidence, then the defense. I will let the parties each give a  
19 closing argument on both the law and the facts for the motion to  
20 suppress. Since it is the defense's motions, they will start and  
21 get rebuttal on arguments.

22 Anyone else need a refresher on the rules of procedure?

23 MS. ADAMS: No, Your Honor.

24 MS. LITTLEJOHN: No, Your Honor. Thank you.

1 THE COURT: Mr. Gunn?

2 MR. GUNN: Well, I am a little rusty on Rule 58, when a  
3 defendant can pay a fixed sum in lieu of appearing for a petty  
4 offense or misdemeanor?

5 THE COURT: Maybe another time. I will see everyone on  
6 October 12th. We are adjourned.

7 [COURT ADJOURNED AT 1:58 P.M.]

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
METTS CITY DIVISION**

UNITED STATES OF AMERICA,

CASE NO.: 15:18-cr-00777-NB-EE

v.

JASON MENDOZA

Defendant.

---

**SCHEDULING AND BRIEFING ORDER ON DEFENSE MOTIONS**

Defendant, Jason Mendoza, having filed the Motion to Dismiss Count Two and the Motion to Suppress on June 15, 2018, the parties are ordered to comply with the following scheduling order, discussed at the June 13, 2018, status conference.

1. The parties may engage in and exchange discovery regarding the Motion to Suppress, including tendering any experts for deposition. The parties must file with the Court a joint notice of filing by Friday, August 17, 2018, indicating: (1) the exhibits they intend to offer at the evidentiary hearing on the motion to suppress; (2) the witnesses they intend to call at the evidentiary hearing; and (3) any pertinent stipulations. The parties are required to attach their exhibits and any deposition transcripts to the joint notice of filing.

2. The parties must submit memoranda of law on the defense's motions by Thursday, September 13, 2018. The parties may cite to relevant case law and authority, the filings in this case's court docket, and the exhibits and depositions offered in the parties' joint notice of filing. Upon preliminary review of Mr. Mendoza's motions, the Court asks the parties to address the following issues in their memoranda:

- a. Motion to Dismiss – Whether the residual clause of the “crime of violence” definition in 924(c) is unconstitutionally vague? Is the Court required to apply a “categorical approach” to determine whether a purported offense is a “crime of violence?”
- b. Motion to Suppress – Whether the warrantless forensic search of Mr. Mendoza’s phone is constitutional under the border exception to the Fourth Amendment? Is law enforcement required to have any level of individualized suspicion to conduct a search of a traveler’s cell phone at the border? Was there any such suspicion here?
3. The Court will hold a hearing on both motions on Friday, October 12, 2018.
4. The parties will have forty (40) minutes reserved for oral argument on the Motion to Dismiss Count Two. Twenty (20) minutes designated for each side.
5. The parties will have one-hundred-and-forty (140) minutes for an evidentiary hearing on the Motion to Suppress, including oral/closing arguments.
6. The Court takes this opportunity to remind the parties not to use this hearing to pre-try their cases.
7. The Federal Rules of Evidence will apply, to the extent practicable, at the evidentiary hearing.

*Nicholas Byrne*

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Nicholas Byrne  
Chief United States District Judge  
Southern District of Stetson

Copies to:

United States Attorney’s Office – Criminal Division  
Federal Public Defender’s Office

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF STETSON  
METTS CITY DIVISION**

UNITED STATES OF AMERICA,

CASE NO.: 15:18-cr-00777-NB-EE

v.

JASON MENDOZA

Defendant.

---

**JOINT NOTICE OF FILING IN SUPPORT OF DEFENDANT'S PRETRIAL  
MOTIONS AND GOVERNMENT'S RESPONSE IN OPPOSITION**

The United States of America and Defendant Jason Mendoza file this Joint Notice in preparation for the Court's evidentiary hearing on Defendant's Motion to Suppress, scheduled for Friday, October 12, 2018. The parties state as follows:

1. Defendant will call two (2) witnesses at the October 12 hearing in support of his Motion to Suppress: **Mindy St. Claire** and **Dr. Chidi Anagonye**. Both witnesses have been deposed by Counsel for the United States of America.

2. The United States of America will call two witnesses at the October 12 hearing: **DHS Special Agent Shawn Michaels** and **DHS Cyber Analyst Vic Sengupta**. DHS Sengupta has been deposed by Counsel for Defendant. Special Agent Michaels submitted two (2) sworn affidavits and was not tendered for deposition.

3. The parties intend to offer exhibits at the October 12 hearing. Those exhibits are:
- a. Text messages between Defendant and Seth "Pillboi" Oliver retrieved from Defendant's iPhone 6
  - b. Text messages between Defendant and Derek Hofstetler retrieved from Defendant's iPhone 6

- c. DHS Investigative Memorandum by Cyber Analyst Vic Sengupta, dated April 20, 2018
- d. Letter from the Federal Public Defender's Office to DHS Special Agent Shawn Michaels, dated April 15, 2018

4. Defendant waives any "Best Evidence Rule" objections to testimony from Special Agent Shawn Michaels regarding the contents of digital footage he/she viewed during his investigation. Defendant reserves all other potential objections to this testimony and intends to raise them during the evidentiary hearing.

Respectfully submitted,

*Kate Littlejohn*

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Kate Littlejohn, Esq.  
Assistant United States Attorney  
**United States Attorney's Office**  
**Southern District of Stetson**  
1405 61st Street South  
Suite 2701  
Metts City, Stetson 86750

*Counsel for the United States of America*

*Allison Adams*

---

Allison Adams, Esq.  
Assistant Federal Public Defender  
**Federal Public Defender's Office**  
**Southern District of Stetson**  
1405 61st Street South  
Suite 2300  
Metts City, Stetson 86750

*Counsel for Defendant Jason Mendoza*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF STETSON  
METTS CITY DIVISION

UNITED STATES OF AMERICA,

CASE NO.: 15:18-cr-00777-NB-EE

v.

JASON MENDOZA,

Defendant.

---

DEPOSITION OF: VIC SENGUPTA

DATE: July 31, 2018

TIME: 3:00 p.m. to 4:17 p.m.

PLACE: Vaughan & Vaughan Reporting  
1480 S. 17th Street  
Suite 100  
Metts City, Stetson 86782

PURSUANT TO: Notice by Defendant

BEFORE: Tina Krissman  
Notary Public  
State of Stetson

## APPEARANCES:

ALLISON ADAMS, ESQ.  
Office of the Federal Public Defender  
Southern District of Stetson  
1405 61st Street South  
Suite 2300  
Metts City, Stetson 86750

Counsel for Defendant, Jason Mendoza

KATE LITTLEJOHN, ESQ.  
United States Attorney's Office  
Southern District of Stetson  
1405 61st Street South  
Suite 2701  
Metts City, Stetson 86750

Counsel for United States of America

E X H I B I T S

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DEFENDANT	
EXHIBIT 1	9
Investigation Memorandum	

1 VIC SENGUPTA, a witness, being first duly sworn to testify  
2 the truth, the whole truth, and nothing but the truth, was  
3 examined and testified as follows:

4 THE WITNESS: I do.

5 DIRECT EXAMINATION

6 BY MS. ADAMS:

7 Q. Good afternoon. Would you please state your name for  
8 the record, spelling your last name?

9 A. My name is Vic Sengupta, S-E-N-G-U-P-T-A.

10 Q. How old are you?

11 A. I am 28 years old.

12 Q. Where do you live?

13 A. I live in Cape Adams, Stetson, but I work throughout  
14 the state.

15 Q. Where do you currently work?

16 A. I am a cyber analyst with the Department of Homeland  
17 Security.

18 Q. How long have you been doing that?

19 A. I interned with DHS during grad school, but started  
20 full time after graduation, so about four years now.

21 Q. You mentioned grad school; what is your educational  
22 background?

23 A. I did a combined BS/MS program at Stetson State, where  
24 I double-majored in information systems and computer

1 engineering, and also received my Master's Degree in computer  
2 science. I debated staying longer to get a Ph.D., but decided  
3 against it when I got a great job offer from DHS following my  
4 internship.

5 Q. Do you have any other certifications or training?

6 A. DHS offers a lot of continuing education programs, so  
7 I've gotten a few since working for them. Right now, I'm  
8 currently a Certified Digital Forensics Examiner, or CDFE; I  
9 think I got that certification in either June or July of 2017.  
10 I also completed a program on Mobile Forensics last December.  
11 I'm currently completing a course on Mobile Device Analysis.

12 Q. Can you explain to us what the CDFE certification is?

13 A. Of course. The CDFE is designed to train  
14 investigators focused on cybercrime and fraud on dealing with  
15 digital evidence. It covers everything from forensic  
16 examinations to proper seizure protocol and evidence  
17 preservation.

18 Q. What about the mobile device programs?

19 A. Both the Mobile Forensics and Mobile Device Analysis  
20 courses deal with identification, preservation, analysis, and  
21 examination of mobile device data. It covers everything from  
22 your traditional smartphones, like iPhones and Android phones,  
23 to other data-enabled devices like smartwatches, fitness  
24 trackers, tablets, and even those "smart home" products like

1 Amazon Echo or Google Nest. It seems like every day there are  
2 new products people try to sell as "life changing" tech tools,  
3 but people don't seem to realize how much content and data those  
4 things connect.

5 Some of the training covers the extraction of data directly  
6 on a mobile device's hardware or software, but a vast majority  
7 of what we really face comes from either cloud-based storage  
8 retrieval, or deleted data.

9 Q. What sort of deleted data can someone with your  
10 training and experience recover?

11 A. Tons of stuff. The joke about how once something is  
12 on the internet, it never actually disappears, is absolutely  
13 true. Specifically from cell phones, we can obtain call logs,  
14 contacts, SMS messages—I mean text messages—any downloaded  
15 files, and GPS and location data.

16 Q. Mr./Ms. Sengupta, I would like to move onto your role  
17 in this particular case. Were you working on March 31, 2018?

18 A. Yes.

19 Q. Did you meet with Special Agent Shawn Michaels that  
20 day?

21 A. Yes. Agent Michaels called me into his/her office  
22 that day to handle a search of a phone.

23 Q. Do you recall whose phone was given to you to search?

1           A.    Agent Michaels told me about someone named Jason  
2 Mendoza, and gave me his iPhone 6. I remember being surprised  
3 that anyone was still carrying around a four-year-old iPhone.

4           Q.    Did Agent Michaels discuss the case with you?

5           A.    He/she told me about their search of Mendoza at the  
6 airport earlier that day, and asked me to run a full forensic  
7 search on the phone, because it appeared to have been restored  
8 to its original factory settings.

9           Q.    Can any data be recovered on a phone that has  
10 completed a hard reset to its original factory settings?

11          A.    Almost always, it can just sometimes take a bit longer  
12 than a phone in active use.

13          Q.    How long did you estimate the search would take?

14          A.    I told Agent Michaels that it would take a few weeks,  
15 but that I would send him/her anything suspicious or seemingly  
16 important as it came up.

17          Q.    Were you able to complete an examination on Mendoza's  
18 phone?

19          A.    Yes.

20          Q.    And what did you recover from your examination?

21          A.    Well, first I was able to see that on March 29, Mr.  
22 Mendoza used some sort of proprietary corruption software to  
23 delete the contents of the iPhone, while on some IP address I  
24 traced to Vancouver. The phone was turned off after the reset,

1 and did not seem to be used again until Mr. Mendoza landed in  
2 Cape Adams.

3 Q. What else did you identify in your investigation?

4 A. I was able to retrieve hundreds of text messages on  
5 the phone.

6 Q. Did you provide the recovered cell phone data to Agent  
7 Michaels?

8 A. Yes, I emailed him/her on April 20 to tell him/her  
9 that I completed my search, and that I could go over the data  
10 with him/her.

11 Q. In what format did you show Agent Michaels the  
12 recovered data.

13 A. Well, not all of it was relevant. You wouldn't  
14 believe how much time Mr. Mendoza spent watching stupid videos  
15 on that phone. But I exported the relevant text messages into  
16 an Excel spreadsheet so it could be useable and searchable for  
17 Agent Michaels' investigation.

18 Q. What elements were useable and searchable on the  
19 spreadsheet?

20 A. Basic Excel filtering allows someone viewing it to  
21 narrow results by phone number, that way they could see all text  
22 messages and phone calls placed to a certain phone number.

23 MS. ADAMS: Madame Court Report, at this time if you may hand the  
24 witness what has been pre-marked as Defendant's Exhibit A?

1 Q. Do you recognize this document?

2 A. Yes.

3 Q. And what is this document?

4 A. This is the memo I prepared for Agent Michaels  
5 following my examination of Mr. Mendoza's iPhone 6.

6 Q. Thank you.

7 MS. ADAMS: Madame Court Report, if you would please mark this  
8 as Defendant's Exhibit A for the deposition.

9 Q. You mentioned filtering just a minute ago. How were  
10 the documents attached to this report filtered?

11 A. Those attachments were filtered to show outgoing and  
12 incoming messages from phone numbers identified by Agent  
13 Michaels.

14 Q. Did you evaluate the content of the messages in any  
15 way?

16 A. Nope. I find them and list them, but it's above my  
17 paygrade to sit there and interpret them.

18 MS. ADAMS: Thank you, Mr./Ms. Sengupta. I have nothing further  
19 at this time.

20 CROSS EXAMINATION

21 BY MS. LITTLEJOHN:

22 Q. Thank you for your time today, Mr./Ms. Sengupta, I have no  
23 questions for you this afternoon.

24 (The deposition was concluded at 4:17 p.m.)

S T I P U L A T I O N S

It was agreed by counsel and the witness that the reading and signing of the deposition would be waived.

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CERTIFICATE OF OATH

STATE OF STETSON )

COUNTY OF GORDON )

I, the undersigned authority, certify that VIC SENGUPTA personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 31st day of July, 2018.

\_\_\_\_\_

TINA KRISSMAN

Notary Public, State of Stetson

Commission No.: SS 29483

Expires: June 14, 2020

Personally Known: \_\_\_\_\_

Or Produced Identification:  X

Type of Identification Production: Driver's License

REPORTER'S CERTIFICATE

STATE OF STETSON )

COUNTY OF GORDON )

I, ANYA OOMS, certify that I was authorized to and did stenographically report the foregoing proceedings; and that the transcript is a true and complete record of my stenography notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 7th day of August, 2018.

\_\_\_\_\_

ANYA OOMS

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF STETSON  
METTS CITY DIVISION

UNITED STATES OF AMERICA,

CASE NO.: 15:18-cr-00777-NB-EE

v.

JASON MENDOZA,

Defendant.

\_\_\_\_\_ /

DEPOSITION OF:

CHIDI ANAGONYE

DATE:

August 10, 2018

TIME:

10:00 a.m. to 10:46 a.m.

PLACE:

Vaughan & Vaughan Reporting  
1480 S. 17th Street  
Suite 100  
Metts City, Stetson 86782

PURSUANT TO:

Notice by the United States of  
America

BEFORE:

Tina Krissman  
Notary Public  
State of Stetson

## APPEARANCES:

KATE LITTLEJOHN, ESQ.  
United States Attorney's Office  
Southern District of Stetson  
1405 61st Street South  
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Metts City, Stetson 86750

Counsel for the United States of America

ALLISON ADAMS, ESQ.  
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Southern District of Stetson  
1405 61st Street South  
Suite 2300  
Metts City, Stetson 86750

Counsel for Defendant Jason Mendoza

1 CHIDI ANAGONYE, a witness, being first duly sworn to  
2 testify the truth, the whole truth, and nothing but the truth,  
3 was examined and testified as follows:

4 THE WITNESS: I do.

5 DIRECT EXAMINATION

6 BY MS. LITTLEJOHN:

7 Q. Good morning. Would you please state your name for  
8 the record, spelling your last name?

9 A. My name is Chidi Anagonye, A-N-A-G-O-N-Y-E.

10 Q. How old are you?

11 A. I am 44 years old.

12 Q. Where do you live?

13 A. I live in Queens, New York.

14 Q. Where do you currently work?

15 A. I am a professor and Manisha Al-Jamil Family Sociology  
16 Chair at St. John's University in New York.

17 Q. How long have you been doing that?

18 A. I have been a professor at St. John's University for  
19 14 years. I became the Al-Jamil Chair in the spring semester of  
20 2014.

21 Q. What does it mean to be the Al-Jamil Chair?

22 A. That I am director of the university's Sociology and  
23 Criminology Department.

24 Q. What courses do you teach at St. John's University?

1           A.     I have taught a variety over the years. From 2004 to  
2 2007, I taught Introduction to Sociology and Introduction to the  
3 Theories of Criminal Justice. Starting in 2007, I began teaching  
4 more upper-level courses, like Cybercrime, Methods of Social  
5 Research, Social Problems, Juvenile Deviance, Classic Sociology  
6 Theory, and Contemporary Issues in Criminal Justice.

7           In 2007, with the emergence of the Apple iPhone and other  
8 inferior smartphones, I began researching the effect of smart  
9 phones, specifically the rapid exchange of information, on both  
10 criminal activity and society in general. With that research  
11 came several articles and three seminar courses.

12           Q.     What seminar courses did you teach?

13           A.     The first was Technology's Effect on Criminal  
14 Activity. We discussed and researched, among other topics, how  
15 criminals can turn a single smart phone into multiple "burner"  
16 phones and the smart phone allowing immediate access to the Dark  
17 Web.

18           The second seminar came about with Snowden's release of the  
19 information about the PRISM program in 2013. I called it  
20 Emerging Government Investigation Technology. Every semester we  
21 talk about government investigation and surveillance programs,  
22 including the moral dilemma each poses. This fall semester we  
23 are going to discuss Fun and Friendly Skies and other anti-

1 terrorism programs. I think the success of this class is what  
2 earned me my Chair.

3 My favorite seminar though is Tapped In. It is a class  
4 about the digital portfolio we all carry around with us in our  
5 phone. It really is a transparent portal into our most private  
6 information and intimate secrets.

7 Q. What are the last three articles you have had  
8 published?

9 A. In 2014, there was my article in the Stetson State  
10 University Journal of Criminal Justice, "Are We Trapped in the  
11 PRISM?" In 2016, the Michigan School of Sociology published "Et  
12 Tu, Steve Jobs?: A Classical Understanding of the Societal  
13 Impact of Smart Phones." Earlier this year, my article, "A  
14 Practical Guide to Privacy in the Emerging Digital Age," was  
15 published in the National Review on Sociology and Criminology.

16 Q. What is your educational background?

17 A. I obtained bachelor's degrees in Sociology and  
18 Criminology from the University of Florida. My master's degree  
19 and Ph.D. in Sociology are from Stetson State University.

20 Q. Did you write a dissertation to obtain your Ph.D.?

21 A. Absolutely.

22 Q. What was the topic?

23 A. Although my doctorate is in Sociology, my dissertation  
24 focused on my background in Criminology. The paper was titled

1 "Weapon of Choice: Gaining an Understanding of the Violent  
2 Criminal Psyche." As the title explains, there is a lot  
3 attorneys, investigators, and the public can learn about a  
4 person accused of committing a violent crime by looking at the  
5 weapon they purportedly used, including their own physical  
6 strength. For instance, a person who uses a knife to hurt  
7 someone else usually craves unfulfilled intimacy and is likely a  
8 product of a single-parent home or an orphan who came from the  
9 foster system. A person who uses a casual or improvised  
10 explosive, like a Molotov cocktail, usually has a background  
11 that causes him or her to associate alcohol or gasoline with  
12 death and destruction. Like a parent was a destructive alcoholic  
13 or the person has had a traumatic experience with either  
14 substance and wishes for others to feel the same recurring pain.

15 Q. Why are you here today?

16 A. I am here because there has been a societal and moral  
17 injustice, and because you requested I be here.

18 Q. And what injustice is that?

19 A. The warrantless forensic search of Jason Mendoza's  
20 smart phone by the United States.

21 Q. Are you a lawyer?

22 A. No, but I understand privacy from a societal  
23 perspective. I have studied it. Privacy is a necessary construct  
24 for our society to function; one that certainly outweighs the

1 government's interests in detecting criminal activity. It is  
2 required for humans to feel dignified, otherwise we are all just  
3 wards of the state and victims of Big Brother.

4 Rummaging through the historical data in Mr. Mendoza's  
5 cellular phone by way of a forensic search was the equivalent of  
6 barging through his front door with a SWAT team and turning over  
7 every piece of furniture in his house. The only difference is  
8 that he can now carry around his castle with him.

9 Q. Do you not agree that the phone's portability changes  
10 the calculus?

11 A. Absolutely not. Look at a person's vehicle. People  
12 still maintain significant privacy interests in the location of  
13 their vehicle.

14 Q. What about a person who knowingly enters an area where  
15 he or she knows she has a lesser expectation of privacy and  
16 brings the phone through that area?

17 A. What about a person who knowingly purges their phone  
18 of any data before entering such area and hides it from  
19 authorities to ensure it remains private?

20 Q. Please answer my question first.

21 A. I believe the totality of the circumstances need to be  
22 taken into consideration to understand the privacy interests at  
23 stake. And I have no doubt there are substantial, momentous  
24 privacy interests involved in this case based on my study of

1 sociology, philosophy, and criminology. The way the Constitution  
2 requires we protect privacy interests is through a warrant  
3 supported by probable cause.

4 Q. Do you believe there is any difference between a smart  
5 phone and a laptop?

6 A. Yes. The smart phone includes instant access to text  
7 messages, emails, browsing history, and phone call history.

8 Q. What did you review in coming to your opinion today?

9 A. I have reviewed the affidavits by Special Agent  
10 Michaels, the deposition testimony of Analyst Vic Sengupta, and  
11 Vic Sengupta's report. I am also familiar with the criteria for  
12 Fun and Friendly Skies.

13 Q. And what is your opinion based on?

14 A. My opinion is based on my decades of studying  
15 sociology and criminology, my review of the materials in this  
16 case that I just mentioned, and my very recent reading of the  
17 majority, concurring, and dissenting opinions in *Carpenter* and  
18 *Riley* by the United States Supreme Court.

19 Q. So would you agree that your opinion here is a legal  
20 one?

21 A. No, I would not. My opinion is based on the objective  
22 expectation of privacy we have in smart phones as a society and  
23 the subjective opinion that Mr. Mendoza presented in the  
24 contents of his cell phone when he purged its data.

1 MS. LITTLEJOHN: I have no further questions.

2 MS. ADAMS: I have no follow-up.

3 (The deposition was concluded at 10:46 a.m.)

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S T I P U L A T I O N S

It was agreed by counsel and the witness that the reading and signing of the deposition would be waived.

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CERTIFICATE OF OATH

STATE OF STETSON )

COUNTY OF GORDON )

I, the undersigned authority, certify that CHIDI ANAGONYE personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 10th day of August, 2018.

\_\_\_\_\_

TINA KRISMAN

Notary Public, State of Stetson

Commission No.: SS 29483

Expires: June 14, 2020

Personally Known: \_\_\_\_\_

Or Produced Identification:  X

Type of Identification Production: Driver's License

REPORTER'S CERTIFICATE

STATE OF STETSON )

COUNTY OF GORDON )

I, ANYA OOMS, certify that I was authorized to and did stenographically report the foregoing proceedings; and that the transcript is a true and complete record of my stenography notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 13th day of August, 2018.

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ANYA OOMS

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF STETSON  
METTS CITY DIVISION

UNITED STATES OF AMERICA,

CASE NO.: 15:18-cr-00777-NB-EE

v.

JASON MENDOZA,

Defendant.

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DEPOSITION OF: MINDY ST. CLAIRE

DATE: August 1, 2018

TIME: 9:00 a.m. to 10:03 a.m.

PLACE: Vaughan & Vaughan Reporting  
1480 S. 17th Street  
Suite 100  
Metts City, Stetson 86782

PURSUANT TO: Notice by the United States of  
America

BEFORE: Tina Krissman  
Notary Public  
State of Stetson

## APPEARANCES:

KATE LITTLEJOHN, ESQ.  
United States Attorney's Office  
Southern District of Stetson  
1405 61st Street South  
Suite 2701  
Metts City, Stetson 86750

Counsel for the United States of America

ALLISON ADAMS, ESQ.  
Office of the Federal Public Defender  
Southern District of Stetson  
1405 61st Street South  
Suite 2300  
Metts City, Stetson 86750

Counsel for Defendant Jason Mendoza

1 MINDY ST. CLAIRE, a witness, being first duly sworn to  
2 testify the truth, the whole truth, and nothing but the truth,  
3 was examined and testified as follows:

4 THE WITNESS: I do.

5 DIRECT EXAMINATION

6 BY MS. LITTLEJOHN:

7 Q. Hello. My name is Kate Littlejohn, and I am an  
8 Assistant United States Attorney in the Southern District of  
9 Stetson. Before we get started, I would like to take care of a  
10 few preliminary matters?

11 First, could you please state your name and spell it for  
12 the record?

13 A. Mindy St. Claire. M-I-N-D-Y. S-T. C-L-A-I-R-E.

14 Q. How old are you?

15 A. I am 36 years old.

16 Q. Where do you live?

17 A. I lived in Cape Adams, just outside Metts City, for  
18 fifteen years until March 2018, but I moved in May to Rose Park  
19 for a new job.

20 Q. Is there anything about your health or memory that  
21 would prevent you from testifying truthfully today?

22 A. Absolutely not.

23 Q. Have you ever been deposed before?

1 A. Yes. Once before when a former colleague and the  
2 government were sued for an improper pat down.

3 Q. When was that?

4 A. In 2012.

5 Q. Do you know the result of that case?

6 A. It was dismissed.

7 Q. Have you ever testified in a lawsuit before?

8 A. Just on my own behalf.

9 Q. What case was that?

10 A. Funny story. The state charged me in 2009 for stealing  
11 my neighbor's plants from his yard. I went to court and told the  
12 judge what happened. He dismissed the case.

13 Q. Interesting. Now, before we dive into the weeds here,  
14 I would like to remind you that if at any point you need me to  
15 repeat my question, or if you need me to rephrase or clarify,  
16 please let me know. Also, be sure that all of your responses are  
17 audible so that it may be clearly transcribed for the record. Is  
18 that alright?

19 A. Okie dokie.

20 Q. Mr./Ms. St. Claire, what is your current job?

21 A. I am head of loss prevention for Rose Park Mall and  
22 Town Center.

23 Q. How long have you had that job?

24 A. Since May 2018.

1 Q. Were you employed before that?

2 A. Yes.

3 Q. Where were you employed?

4 A. I was an agent with U.S. Customs and Border  
5 Protection.

6 Q. When did you begin that job?

7 A. March 2008, when Cape Adams International Airport  
8 opened.

9 Q. Where was your last assignment?

10 A. My only assignment for Border Protection was at Cape  
11 Adams.

12 Q. When did you leave that job?

13 A. March 10, 2018.

14 Q. What did you do in that role?

15 A. I was the smiling face people see when they enter our  
16 great country. I checked people's travel paperwork; passports,  
17 visas, and the like. I inspected luggage for suspicious items. I  
18 also questioned travelers.

19 Q. In that role, did you have any contact with the  
20 Department of Homeland Security?

21 A. Yes.

22 Q. Who with?

23 A. Various people, but our official contact was through  
24 liaison Shawn Michaels.

1 Q. Was Agent Michaels the liaison during the entirety of  
2 your career with Border Protection?

3 A. Yes, he/she was.

4 Q. In your role with Border Protection, do you recall a  
5 traveler named Jason Mendoza?

6 A. No. I did not interact with Mr. Mendoza while I was  
7 with Border Protection.

8 Q. Why did you leave Border Protection?

9 A. That's a long story.

10 Q. We have time.

11 A. Okay. Well, the rub was the new JANET program used for  
12 Fun and Friendly Skies. I think the idea was noble in its  
13 inception. Using subtleties of travelers to determine if they  
14 present a threat to our airlines and country. The problem is  
15 that like with any good intention, it was on a fast track to a  
16 bad place. The program and the monetary incentives were fraught  
17 with peril.

18 Q. Mr./Ms. St. Claire, are you a computer programmer?

19 A. No, I am not.

20 Q. Do you have any education or experience in computer  
21 programming?

22 A. No. I joined the Navy after getting my degree in  
23 Geography from Stetson University.

24 Q. Do you have any education or experience in sociology?

1 A. No.

2 Q. Anthropology?

3 A. No.

4 Q. Counter-terrorism?

5 A. Just what I learned in my initial and continued  
6 training while at Border Protection.

7 Q. Did you leave your career with Border Protection  
8 because you were accused of leaking classified information?

9 A. Absolutely not. I had ten years done, so my retirement  
10 was set between that and the military. It was real. It was nice.  
11 But it wasn't real nice.

12 MS. LITTLEJOHN: I have nothing further.

13 CROSS EXAMINATION

14 BY MS. ADAMS:

15 Q. Hello Mr./Ms. St. Claire. I have a few follow-up  
16 questions for you.

17 A. Yes.

18 Q. You mentioned JANET. What is JANET?

19 A. JANET is the Justified Assessment and Notification  
20 Emergency Tracker. A program implemented with the Department's  
21 Fun and Friendly Skies initiative on February 1, 2018.

22 Q. What is Fun and Friendly Skies?

23 A. Fun and Friendly Skies analyzes a traveler's potential  
24 threats based on his or her travel history, behavior, and other

1 criteria. JANET collects and filters information regarding  
2 travel patterns, including frequency of travel, span of time  
3 between travel, and known concerns or threats at the departure  
4 and arrival destinations, as well as the suspect traveler's  
5 conduct within the airport.

6 Q. I feel like I have heard this before.

7 A. You have. That's how the initiative is advertised but  
8 not at all how it's implemented. In January, we were trained on  
9 JANET and FFS. A person can only be flagged manually for input  
10 in JANET and further analysis. We, as agents, are required to  
11 observe the behavior, luggage, and travel history of travelers  
12 entering through the border. We also field tips from airport and  
13 airline employees. There is no oversight or criteria for that  
14 initial input.

15 If we correctly flag a traveler for input in JANET, as in  
16 there is an eventual arrest of this individual, we receive a  
17 bonus. It is almost like betting.

18 Q. If a person is not registered in JANET, are they still  
19 observed as part of Fun and Friendly Skies?

20 A. So it's a split issue. All US citizens are  
21 automatically screened at a Port of Entry, but then removed from  
22 FFS and JANET if no suspicious conduct is observed. So anyone  
23 arriving at a Port of Entry is technically "tracked" by JANET  
24 initially, but not necessarily registered as a suspected

1 traveler. If an agent flags someone as a suspected traveler  
2 subject to additional screening, JANET hijacks the facial  
3 recognition software in the airport cameras for its  
4 observations. It is the hub and spoke of the initiative.

5 Q. What is the financial compensation?

6 A. \$5,000 for any suspected traveler that later becomes a  
7 verified threat, or subject to any other criminal action.

8 Q. Does JANET include any criteria for age, gender, race  
9 or ethnicity, or religion?

10 A. Not explicitly, but further inclusion is subject to  
11 the whims of agents across the country. I learned minorities  
12 were being flagged for further investigation at a rate nearly  
13 five times that as white travelers.

14 Q. When did you learn that?

15 A. About one month after the program started. I once  
16 heard some agents in the break room using racial slurs to  
17 describe some travelers and that they hoped JANET eventually got  
18 them. We say a few bad apples can spoil the bunch, but an apple  
19 can't be saved if it is rotten at the core.

20 Q. Is this relevant to why you left your job with Border  
21 Protection?

22 A. Yes. In early March, I wrote an email to Agent  
23 Michaels protesting the continued use of the program. Agent

1 Michaels called immediately to tell me to keep it to myself. I  
2 resigned the following week in protest.

3 Q. Why did the letter say that you were retiring?

4 A. I was worried that the Department would think I was  
5 being insubordinate and my government pension would be subject  
6 to revocation.

7 Q. Did you ever share your email to Agent Michaels with  
8 anyone following your resignation?

9 A. Yes. I sent a copy of the email to Stetson Times  
10 reporter Dwayne DeRock. Turns out DeRock called Agent Michaels  
11 for a quote on the program. Agent Michaels told DeRock the  
12 program was propriety and part of national security. DeRock  
13 scrapped the story. So much for real news.

14 Q. Were you ever investigated for leaking classified  
15 information?

16 A. Yes, but I was cleared by Ms. Littlejohn's office. My  
17 email did not include any classified information.

18 MS. ADAMS: I have nothing further.

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20 (The deposition was concluded at 10:03 a.m.)

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S T I P U L A T I O N S

It was agreed by counsel and the witness that the reading and signing of the deposition would be waived.

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CERTIFICATE OF OATH

STATE OF STETSON )

COUNTY OF GORDON )

I, the undersigned authority, certify that MINDY ST. CLAIRE personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 1st day of August, 2018.

\_\_\_\_\_

TINA KRISSMAN

Notary Public, State of Stetson

Commission No.: SS 29483

Expires: June 14, 2020

Personally Known: \_\_\_\_\_

Or Produced Identification:  X

Type of Identification Production: Driver's License

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1 REPORTER'S CERTIFICATE

2 STATE OF STETSON )

3 COUNTY OF GORDON )

4 I, ANYA OOMS, certify that I was authorized to and did  
5 stenographically report the foregoing proceedings; and that the  
6 transcript is a true and complete record of my stenography  
7 notes.

8 I further certify that I am not a relative, employee,  
9 attorney, or counsel of any of the parties; nor am I a relative  
10 or employee of any of the parties' attorneys or counsel  
11 connected with the action, nor am I financially interested in  
12 the action.

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14 DATED THIS 7th day of August, 2018.

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INVESTIGATIVE  
MEMORANDUM

National Cyber Security Division  
U.S. DEPARTMENT OF HOMELAND SECURITY

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April 20, 2018

**FOR:** Special Agent Shawn Michaels  
Task Force Against Terrorism  
DHS Cape Adams

**FROM:** Vic Sengupta  
Cyber Analyst  
DHS Cape Adams

**SUBJECT:** *Suspect Jason Mendoza*  
*Apple iPhone 6 Cellular Phone – Serial Number 30294727176937*

**TASK:** Analyze device for the use of corruption software; retrieve transferred, corrupted, deleted, and all other historical data on the device using forensic search protocol and capability

**Activity**

The Suspect's Apple iPhone 6 cellular phone was seized upon his reentry into the United States in Cape Adams, Stetson, on March 31, 2018. The Suspect's device was password-protected, and the password was provided by the Suspect during initial questioning. The seized phone was analyzed for digital evidence pertaining to the Suspect's alleged criminal activity. Upon the search and seizure of the device, the acquired device was carefully packaged and a chain of custody was efficiently established so as to ensure the integrity of the evidence.

**Summary of Investigation & Findings**

On or about March 29, 2018, the Suspect's device utilized an application known as "HydroGEN" to delete all files stored on the device. The device was connected to an IP address located in Vancouver, Canada, at the time the device was corrupted and data subsequently erased. Lantern Triage v. 1.1802.220 was utilized to recover corrupted or deleted files and examine the device's contents. The following data types were identifiable from the device:

1. Address Book Entries
  - a. Regular Length
  - b. Maximum Length
  - c. Blank Names
  - d. Deleted Entries

2. PIM (Personal Information Manager) Data
  - a. Calendar
  - b. Memos
  - c. Deleted Entries
3. Call Logs
  - a. Incoming
  - b. Outgoing
  - c. Missed
  - d. Incoming-Deleted
  - e. Outgoing-Deleted
  - f. Missed-Deleted
4. Text Messages: SMS (Short Message Service) & EMS (Enhanced Messaging Service)
  - a. Incoming SMS-Read
  - b. Incoming SMS-Unread
  - c. Outgoing SMS
  - d. Incoming EMS-Read
  - e. Incoming EMS-Unread
  - f. Outgoing EMS
  - g. Incoming SMS-Deleted
  - h. Outgoing SMS-Deleted
  - i. Incoming EMS-Deleted
  - j. Outgoing EMS-Deleted
5. MMS (Multimedia Messaging Service) Messages
  - a. Incoming Audio
  - b. Incoming Graphic
  - c. Incoming Video
  - d. Outgoing Audio
  - e. Outgoing Graphic
  - f. Outgoing Video
6. Application Data
  - a. Device-specific app data
7. Stand-Alone Data Files
  - a. Audio
  - b. Graphic
  - c. Video
  - d. Audio-Deleted
  - e. Graphic-Deleted
  - f. Video-Deleted
8. Internet Data
  - a. Visited Sites
  - b. Bookmarks
9. Location Data
  - a. GPS Coordinates

10. Social Media Data

- a. Facebook
- b. Twitter
- c. Instagram
- d. Snapchat

The Suspect's device was activated on October 22, 2015. In the recovery of the above-listed data types, the following was recovered:

<u>Type</u>	<u>Total</u>
<b>Calendar</b>	412
<b>Call Log</b>	829
<b>Contacts</b>	73
<b>Cookies</b>	1061
<b>Data Files</b>	4311
• Audio	82
• Configurations	469
• Databases	90
• Images	3632
• Text	10
• Videos	28
<b>Installed Applications</b>	68
<b>Locations</b>	3,344
<b>MMS Messages</b>	962
<b>Notes</b>	24
<b>SMS Messages</b>	9,683
<b>User Accounts</b>	1
<b>Voicemail</b>	77
<b>Web Bookmarks</b>	6
<b>Wireless Networks</b>	22

Individual reports of the above data are available for further inquiry upon request. The remainder of the investigation is limited to communications via SMS/MMS/EMS messages and call log data.

Within the complete SMS/MMS/EMS message log available, additional reports were generated from the extracted data filtered for specific phone numbers. The attached exhibits export all SMS/MMS/EMS conversations between the Suspect's device phone number, +1 (924) 867-5309, and two other identified numbers.

The first, attached to this memorandum as Exhibit A, filter for outgoing and incoming messages with the number +1 (924) 778-1292. Subscriber data for this phone number identifies a registered user for the number named Seth Oliver. Per DHS intel, the

subscriber is a known criminal who utilizes the moniker "Pillboi." Recovered messages sent and received with this phone number begin on October 29, 2015, with the most recent message received on March 29, 2018.

The second, attached to this memorandum as Exhibit B, filter for outgoing and incoming messages with the number +1 (298) 373-8976. Subscriber data for this phone number identifies a registered user for the number named Derek Hofstetler. Per DHS intel, the subscriber is allegedly involved as an associate with the Suspect in ongoing criminal activity. Recovered messages sent and received with this phone number begin on November 5, 2015, with the most recent message sent on March 29, 2018.

Further data analysis is available upon request.

Report Completed by:  
/s/ Vic Sengupta  
Cyber Analyst

Report Approved by:  
/s/ Jay Simmons  
Chief Supervising Analyst

Date Completed:  
April 20, 2018

Date Approved:  
April 20, 2018

#### **IMPORTANT NOTICE**

This memorandum is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Department of Homeland Security. This report remains the property of the Department of Homeland Security, and no secondary distribution may be made, in whole or in part, outside of the Department of Homeland Security, without prior authorization by the Office of the Inspector General. Unauthorized disclosure of this memorandum may result in criminal, civil, or administrative penalties.

TYPE	ORIGINATING NUMBER	TARGET NUMBER	DATE	TIME (UTC)	TEXT
iMessage	19247781292	19248675309	2015-10-29	15:33:12	JIANJU whaddupp with YUUUUUUUUUU
iMessage	19248675309	19247781292	2015-10-29	15:34:04	nm, just landed back @ CAA
iMessage	19247781292	19248675309	2015-10-29	15:34:56	Tahani wanted me 2 check in--successful trip?
iMessage	19248675309	19247781292	2015-10-29	15:35:47	Tell T that im always good for it, and she should know that by now
iMessage	19247781292	19248675309	2015-10-29	15:38:17	I know I know
iMessage	19247781292	19248675309	2015-10-29	15:38:55	So we good with the mounties?
iMessage	19248675309	19247781292	2015-10-29	15:41:05	Mounties are on board, shipment arrives in LA next Tuesday
iMessage	19248675309	19247781292	2015-10-29	15:41:36	Buckets should get to WD HQ by Friday
iMessage	19247781292	19248675309	2015-10-29	15:42:33	You the man
iMessage	19247781292	19248675309	2015-10-29	15:42:51	.gif
iMessage	19248675309	19247781292	2015-10-29	15:45:45	Thanks bro
iMessage	19248675309	19247781292	2016-01-06	2:11:04	Pillboi when u leaving the kremlin?
iMessage	19247781292	19248675309	2016-01-06	2:12:17	Tahani is having me stay here another day, so I won't b getting there until after you do
iMessage	19247781292	19248675309	2016-01-06	2:12:28	Probs b there by fri
iMessage	19247781292	19248675309	2016-01-06	2:12:40	go find some kangaroos to play with while u wait
iMessage	19248675309	19247781292	2016-01-06	2:14:49	I might have to bust out some chicken wings while I wait XD
iMessage	19247781292	19248675309	2016-01-06	2:15:24	hey man, its not my fault. U know the rules--no touching the stash
iMessage	19247781292	19248675309	2016-01-06	2:15:39	didn't anyone ever teach u to not get high on your own supply?
iMessage	19248675309	19247781292	2016-01-06	2:16:02	Im kidding
iMessage	19248675309	19247781292	2016-01-06	2:16:23	you know the only thing I mess with is the green \$\$\$

iMessage	19247781292	19248675309	2016-01-06	2:20:53	Tahani wants you 2 meet with some new guy before I get there. Hes got some new boats in MIA
iMessage	19247781292	19248675309	2016-01-06	2:21:11	T sent you the address
iMessage	19248675309	19247781292	2016-01-06	2:21:59	x4
iMessage	19248675309	19247781292	2016-01-06	2:22:15	See you Friday
iMessage	19247781292	19248675309	2016-09-14	12:02:20	food shipment out
iMessage	19247781292	19248675309	2016-09-14	12:02:33	no drumsticks in this one--EU inspectors on our ass
iMessage	19248675309	19247781292	2016-09-14	12:05:29	ill let trevor know
iMessage	19247781292	19248675309	2016-09-14	12:06:10	thx
iMessage	19248675309	19247781292	2017-03-28	21:42:39	made the hen pickup in MIA
iMessage	19248675309	19247781292	2017-03-28	21:42:59	is your girl ready in COL?
iMessage	19247781292	19248675309	2017-03-28	21:43:40	yeah I just left there 2 days ago
iMessage	19247781292	19248675309	2017-03-28	21:44:07	shes got the new shipment ready
iMessage	19247781292	19248675309	2017-03-28	21:44:23	should get to WD next week
iMessage	19248675309	19247781292	2017-03-28	22:01:01	k
iMessage	19247781292	19248675309	2017-07-20	15:29:32	u land safely?
iMessage	19248675309	19247781292	2017-07-20	15:30:11	about 20 minutes ago
iMessage	19248675309	19247781292	2017-07-20	15:32:25	tell tahani im only flying emirates first class from now on
iMessage	19247781292	19248675309	2017-07-20	15:33:41	u keep it up and im sure T will give you whatever u want
iMessage	19247781292	19248675309	2017-07-20	15:34:09	im about 15 min away from arrivals, b there soon
iMessage	19248675309	19247781292	2017-07-20	15:36:23	is uzo with you?
iMessage	19247781292	19248675309	2017-07-20	15:37:37	hes here and ready for your pitch
iMessage	19248675309	19247781292	2017-07-20	15:38:12	np
iMessage	19247781292	19248675309	2018-02-21	23:09:14	I heard 60PDC is working the hens
iMessage	19248675309	19247781292	2018-02-21	23:10:10	ur info is wrong pillboi
iMessage	19247781292	19248675309	2018-02-21	23:10:52	T is getting worried youre losing your control
iMessage	19248675309	19247781292	2018-02-21	23:11:17	WD is still good
iMessage	19248675309	19247781292	2018-02-21	23:11:41	more drumsticks went out this morning

iMessage	19247781292	19248675309	2018-02-21	23:14:39	u better watch out
iMessage	19247781292	19248675309	2018-03-28	9:41:18	flight is delayed an hour
iMessage	19247781292	19248675309	2018-03-28	9:42:03	when do u land in YVR?
iMessage	19248675309	19247781292	2018-03-28	9:44:29	tomorrow morning around 7
iMessage	19247781292	19248675309	2018-03-28	9:49:34	k, ill meet u in the lobby at 915?
iMessage	19248675309	19247781292	2018-03-28	9:50:05	sounds good
iMessage	19247781292	19248675309	2018-03-28	10:01:49	we need to fix these problems with the mounties
iMessage	19247781292	19248675309	2018-03-28	10:02:16	theyre cutting off our drumstick shipments
iMessage	19248675309	19247781292	2018-03-28	10:02:58	does tahani know yet?
iMessage	19247781292	19248675309	2018-03-28	10:03:33	shes still working out a deal with the kremlin to try and make up the difference
iMessage	19248675309	19247781292	2018-03-28	10:04:47	the mounties are probably just playing games
iMessage	19248675309	19247781292	2018-03-28	10:05:21	we will work something out b4 I leave on the 30th
iMessage	19247781292	19248675309	2018-03-28	10:06:28	if we don't were screwed
iMessage	19247781292	19248675309	2018-03-29	1:12:22	I warned u about 60PDC
iMessage	19247781292	19248675309	2018-03-29	1:12:38	YOURE DONE

TYPE	ORIGINATING NUMBER	TARGET NUMBER	DATE	TIME (UTC)	TEXT
SMS	19248675309	12983738976	2015-11-05	20:08:19	Buckets arriving tomorrow
SMS	12983738976	19248675309	2015-11-05	20:08:57	Thanks for the heads up
SMS	12983738976	19248675309	2015-11-05	20:09:14	no issues with tahani?
SMS	19248675309	12983738976	2015-11-05	20:09:59	Nope
SMS	19248675309	12983738976	2015-11-05	20:10:22	send 65 to the canary
SMS	19248675309	12983738976	2015-11-05	20:10:46	that should cover new drums
SMS	12983738976	19248675309	2015-11-05	20:12:18	u got it boss
SMS	19248675309	12983738976	2015-11-05	20:18:29	BTW-better not be sending me to the coalmine
SMS	19248675309	12983738976	2016-09-05	17:17:02	new drumsticks coming from berlin
SMS	19248675309	12983738976	2016-09-05	17:17:58	pillboi told me that hes working on something with T in frankfurt next week
SMS	12983738976	19248675309	2016-09-05	17:18:31	WD is empty we really need a lot
SMS	19248675309	12983738976	2016-09-05	17:19:41	ill do what I can
SMS	19248675309	12983738976	2016-09-14	12:12:17	T and PB screwed the drumsticks
SMS	12983738976	19248675309	2016-09-14	12:12:54	what???
SMS	19248675309	12983738976	2016-09-14	12:13:20	should still be some hens coming
SMS	12983738976	19248675309	2016-09-14	12:14:02	??
SMS	19248675309	12983738976	2016-09-14	12:16:44	I need 120. Might b able to work something out
SMS	12983738976	19248675309	2016-09-14	12:17:30	Ill send it now
SMS	19248675309	12983738976	2018-03-29	1:13:10	tahani learned from trevor that WD is with 60PDC.
SMS	19248675309	12983738976	2018-03-29	1:13:49	No more drumsticks
SMS	19248675309	12983738976	2018-03-29	1:14:12	Need new hens
SMS	19248675309	12983738976	2018-03-29	1:14:56	We will need to clean the coop

OFFICE OF THE FEDERAL PUBLIC DEFENDER  
SOUTHERN DISTRICT OF STETSON

JILL CARLAN  
FEDERAL PUBLIC DEFENDER  
1405 61ST STREET SOUTH  
METTS CITY, ST 86750

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April 15, 2018

Special Agent Shawn Michaels  
Department of Homeland Security  
125 Vaughan Avenue  
Cape Adams, Stetson 86779

RE: Jason Mendoza – Seizure of iPhone 6 at CAA

Special Agent Michaels,

I hope this letter finds you well. On March 31, 2018, the Department of Homeland Security and United States Customs and Border Protection illegally detained Mr. Jason Mendoza at Cape Adams International Airport for a period of several hours with no individualized suspicion. Even more egregious, the Department has seized Mr. Mendoza's cellular phone for a forensic search without a warrant supported by probable cause, in violation of the Fourth Amendment to the United States Constitution. *See Riley v. California*, 134 S. Ct. 2473 (2014); *United States v. Cotterman*, 709 F.3d 952 (9th Cir. 2013). A forensic search of Mr. Mendoza's cellphone will open a transparent portal through which the Government may view "a broad array of private information never [even] found in a home in any form." *Riley*, 134 S. Ct. at 2491. The Department's disregard for Mr. Mendoza's privacy interests is a travesty the United States Supreme Court has previously admonished. The Department's actions—if left uncorrected—cry out for a similar reprimand in this case.

We hereby demand that the Department immediately cease conducting a forensic search of Mr. Mendoza's cellular phone, dispose of any data obtained thus far from Mr. Mendoza's cellular phone, and return the item to Mr. Mendoza (via our office's mailing address) within three business days. Should the Government not comply here, Mr. Mendoza will file an action against you and the Department alleging civil theft, replevin, and constitutional violations.

Regards,

*Sandra Bell*

Sandra Bell  
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