

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
SEARCH WARRANT

124 WC 1874

TO: THE CHIEF OF POLICE OR ANY AUTHORIZED AGENT OF THE METROPOLITAN POLICE DEPARTMENT

(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Detective George Desilva Of The Second District

Investigative Unit

that he has probable cause to believe

that on the (person) (premises) (vehicle) (object) known as The entire device known as a

33 FLOPPY DISKS. THE DEVICE BEAR: NO SERIAL NUMBER SEIZED BY LAW ENFORCEMENT
ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S College of Liberal Arts
BUILDING, TOWSON, MARYLAND AND TRANSFERRED TO THE CUSTODY OF COMPUTER
in the District of Columbia, there is now being concealed certain property, To include images, videos, photographic or video images,
And any other digital files stored on the device or its memory card or cards

FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY OFFICE AND
CURRENTLY IN THEIR POSSESSION

which is Property which constitutes the commission of a criminal offense and evidence of Voyeurism (22-3531) and as I am satisfied

(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises) (vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there.

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 23rd day of Oct, 20 14

Joan Zeller
Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on _____, 20____ and have executed it as follows:

On _____, 20____, at _____ M. I searched the
(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with _____

(Name of person searched or owner, occupant, custodian or person present at place of search)

properly posted.

The following is an inventory of the property taken pursuant to this warrant:

This inventory was made in the presence of _____

I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Superior Court of the District of Columbia

AZ 10/23/14

FILED
OCT 23 AM 10 59
DISTRICT OF COLUMBIA
CLERK OF THE COURT

METROPOLITAN POLICE DEPARTMENT

Washington, D.C.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Superior Court of the District of Columbia

THE PROPERTY TO BE SEARCHED IS: FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969, 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

AFFIANT INFORMATION: Your affiant in this matter is Detective George Desilva of the Metropolitan Police Department's Second District Detective Unit.

Your affiant has been a sworn member of the Metropolitan Police Department for approximately 25 years. I am currently a Detective Grade Two, assigned to the Second District Investigative Unit. I have been assigned to the Intelligence Unit, Homicide Branch, Sixth and Seventh District Investigative Unit and the Second District Investigative Unit and have been a detective for approximately 14 years. Over the past 25 years, I have been involved in hundreds of investigations and arrests of individuals for criminal offenses. In addition, I have been involved in obtaining and executing numerous search warrants.

The information in this affidavit is based on my personal knowledge and review electronic devices including a SD card, of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials. The information in this affidavit is also based on information I learned from John Marsh, a computer forensic examiner employed with the United States Attorney's Office. This affidavit does not include each and every fact known to the government but only those necessary to support a finding of probable cause.

STATEMENT OF FACTS:

In the late evening of October 13, 2014, a Second District Metropolitan Police Department (MPD) Investigator applied for, and obtained, an emergency D.C. Superior Court search warrant to examine the contents of an audio and video recording device which had been disguised as a digital clock radio (hereinafter referred to as the "Recording Device"). MPD obtained the Recording Device from an individual who retrieved it on October 12, 2014, from the changing/showering area in the basement of the National Capital

Mikvah, 1308 28th Street, N.W., Washington, D.C., which changing/showering area is connected to a room with a Jewish ritual bath (also known as a "Mikvah") (the Mikvah is the National Capital Mikvah). An individual associated with the Mikvah informed MPD that IT had previously seen the defendant Barry Freundel (DOB 12/16/51, PDID 686097), the Rabbi at Keshet Israel Congregation at 2801 N. Street, NW, Washington, D.C., which is across a courtyard from, and affiliated with, the National Capital Mikvah, plugging in and operating what looked like the Recording Device in the changing/showering area of the Mikvah. IT did not know that the Recording Device was anything other than a digital clock radio and only learned of its recording capacity on October 12, 2014. The Mikvah located at this location is across the courtyard from, and affiliated with, the Jewish synagogue, Keshet Israel. The female members of the Keshet Israel Synagogue, and individuals going through an Orthodox Jewish conversation process, frequently use the facilities at the National Capital Mikvah.

Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from an individual associated with the Mikvah, Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

The defendant is seen on numerous occasions setting up and operating the Recording Device in the showering and changing area connected to the Mikvah. The defendant is seen positioning the Recording Device so that it faced the shower and, by so doing, the Recording Device was able to capture unsuspecting women totally or partially undressed or changing clothes without their knowledge and consent.

Three videos on the Recording Device dated June 2, 2014, capture two women separately partially undressing or changing clothes in the changing/showering room. Neither woman appears to know that she is being recorded by the Recording Device.

Again on September 13, 2014 (which date is reflected on the video) the defendant is seen manipulating the Recording Device while pointing the camera directly toward his face. His voice is heard on the recording. The Defendant appears to be correcting the Recording Device's displayed time before positioning it on the counter facing the shower stall area. Four women captured in approximately six videos totally or partially undressed or changing clothes before taking a shower. Each is in the room individually. They are shown without clothing before entering the shower. The video captures them exiting the shower and drying off before getting dressed. Through my observations of the Recording Device it appears that these women do not know that the Recording Device is, in fact, recording them and that they are being recorded as they are undressing. There is no indication that the six women depicted changing and partially or totally naked consented to having their naked body photographed.

A file dated October 6, 2014, depicts the defendant again placing the camera in the changing room facing the shower room. Later that same date a video confirms information obtained from the individual associated with the Mikvah who recovered the camera from the changing/showering room. The date stamp at this instant was approximately six days prior to the actual date, thus the date on the video may not be accurate.

On October 14, 2014, a D.C. Superior Court Search Warrant was executed at the defendant's residence at 3026 O. Street, NW, Washington, D.C. At that time, the defendant was also arrested. Located at the

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AZ 10/23/14

defendant's residence, in his bedroom, was the manual for the Recording Device. Preliminary computer forensic examinations, and analysis of other items seized from the defendant's home, reveal numerous media storage devices consistent with the one used in the Recording Device and other items with surreptitious audio and video recording capacity. At least one additional object capable of surreptitious video recording was seized from the defendant's residence. A manual for another surreptitious video recording device (disguised as a fan) was also seized. Preliminary computer forensic examination also reveals that the defendant has been engaging in the criminal act of voyeurism with use of several devices and over a period of time. During the preliminary stage of the investigation of this case numerous individuals have reported to law enforcement officers that they believe they, also, may have been surreptitiously recorded in the changing area to the Mikvah or the Mikvah itself.

Beginning on or about October 15, 2014, your Affiant Desilva determined that the defendant may be an Associate Professor at a nearby University located in Towson, MD. Your Affiant confirmed through further investigation that the defendant was indeed a full-time Associate Professor at Towson, date of hire August 12, 2009, date of tenure August 22, 2012, with an office verified in room 3139 of Towson's College of Liberal Arts Building in which he is believed to be the sole occupant.

On October 15, 2014, Towson University suspended all rights and privileges of the defendant at Towson University until the government's ongoing investigations are concluded. The University's Administration announced to the defendant's students and alumni the charges and on-going criminal investigation. The announcement asked any students that may be impacted by the on-going criminal investigation to notify the Towson University Police Department (TUPD). Since that time, several young female students contacted TUPD, several of whom advised that they made the trip to Keshet Israel Congregation in Washington D.C., at the request of the defendant. Some participated in the bathing ritual at the Mikvah. As a result of the forgoing, Your Affiant, along with Sergeant James Moynihan of the Towson University Police Department, applied for a search warrant of the defendant's office, room 3139, of Towson's College of Liberal Arts Building, which application was signed by a judge of the District Court of Maryland for Baltimore County. The search warrant was executed on October 21, 2014. During the execution of the search warrant, the following devices and items, among others, were recovered from the defendant's office. Following seizure of these items Your Affiant and other law enforcement agents took control of the following devices and items and transferred possession of them to John Marsh, computer forensic analyst at the United States Attorney's Office in Washington. Mr. Marsh has been in possession of the following devices and items since then. The devices and items seized from the defendant's office at Towson University included the following:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS

Handwritten initials: "H" and "BY" with a signature.

Handwritten text: "A2 10/23/14"

CONCLUSION

Based on the foregoing facts and information, there is probable cause to believe that within the following list of devices and items, there is evidence of the crime of voyeurism:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

Your Affiant respectfully requests that a D.C Superior Court Search Warrant be issued to search the entire contents of the above-listed devices ^{ITOWNS} for, among other things, the following things:

Files, records, photographs or any other digital media which is evidence of the crime of voyeurism. These may be secreted in computer software consisting of digital information, which can be interpreted, by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs. Any files, photographs or other records created by these programs.

Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

Computer passwords and other data security devices that are designated to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital codes may include programming code that creates "test" keys or "hot" keys, which perform user-defined security-related functions when activated. Data security software or code which might also encrypt, compress, hide or "booby-trap" protected data to make it inaccessible or unreadable as well as reverse the process to restore the data. Logs of electronic communications, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records.

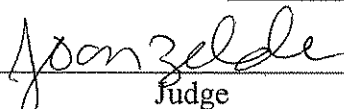
The terms "records," "documents," and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafters, or their modifications may have been created or stored, including, but not limited to, any handmade form (such as writing, drawing, painting, with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (such as tape recordings, cassettes, compact discs, or any information on an electronic or magnetic storage device, such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as printouts or readouts from magnetic storage devices).


Affiant

Detective George Desilva
Second District Detectives Office

 AVSA
United States Attorney

Subscribed and sworn to me this 23rd day of Oct., 2014


Judge

Superior Court of the District of Columbia

AZ 10/23/14



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
SEARCH WARRANT

2014 case 1876

TO: THE CHIEF OF POLICE OR ANY AUTHORIZED AGENT OF THE METROPOLITAN POLICE DEPARTMENT
(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Detective George Desilva Of The Second District
Investigative Unit that he has probable cause to believe
that on the (person) (premises) (vehicle) (object) known as The entire device known as a
DELL LAPTOP COMPUTER, MODEL 1758000. THE DEVICE BEARS A SERIAL NUMBER OF: 32695861969

in the District of Columbia, there is now being concealed certain property, To include images, videos, photographic or video images,
And any other digital files stored on the device or its memory card or cards

which is Property which constitutes the commission of a criminal offense and evidence of Voyeurism (22-3531) and as I am satisfied
(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises)
(vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the
day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there.

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this
warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 23rd day of Oct, 20 14

Joan Zeldan
Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on _____, 20____ and have executed it as follows:
On _____, 20____, at _____ M., I searched the
(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with _____

(Name of person searched or owner, occupant, custodian or person present at place of search)

The following is an inventory of the property taken pursuant to this warrant:

FILED

RECORDED
INDEXED
OCT 23 AM 10 59
CLERK OF THE
DISTRICT OF COLUMBIA

This inventory was made in the presence of _____

I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Superior Court of the District of Columbia

A2 10/23/14

METROPOLITAN POLICE DEPARTMENT

Washington, D.C.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Superior Court of the District of Columbia

14 crlc 1876

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MP 6A

AZ 10/23/14

AFFIANT INFORMATION: Your affiant in this matter is Detective George Desilva of the Metropolitan Police Department's Second District Detective Unit.

Your affiant has been a sworn member of the Metropolitan Police Department for approximately 25 years. I am currently a Detective Grade Two, assigned to the Second District Investigative Unit. I have been assigned to the Intelligence Unit, Homicide Branch, Sixth and Seventh District Investigative Unit and the Second District Investigative Unit and have been a detective for approximately 14 years. Over the past 25 years, I have been involved in hundreds of investigations and arrests of individuals for criminal offenses. In addition, I have been involved in obtaining and executing numerous search warrants.

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defendant's residence, in his bedroom, was the manual for the Recording Device. Preliminary computer forensic examinations, and analysis of other items seized from the defendant's home, reveal numerous media storage devices consistent with the one used in the Recording Device and other items with surreptitious audio and video recording capacity. At least one additional object capable of surreptitious video recording was seized from the defendant's residence. A manual for another surreptitious video recording device (disguised as a fan) was also seized. Preliminary computer forensic examination also reveals that the defendant has been engaging in the criminal act of voyeurism with use of several devices and over a period of time. During the preliminary stage of the investigation of this case numerous individuals have reported to law enforcement officers that they believe they, also, may have been surreptitiously recorded in the changing area to the Mikvah or the Mikvah itself.

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FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS

AD 18

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CONCLUSION

Based on the foregoing facts and information, there is probable cause to believe that within the following list of devices and items, there is evidence of the crime of voyeurism:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

Your Affiant respectfully requests that a D.C Superior Court Search Warrant be issued to search the entire contents of the above-listed devices ^{for, among other things,} the following things:

Files, records, photographs or any other digital media which is evidence of the crime of voyeurism. These may be secreted in computer software consisting of digital information, which can be interpreted, by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs. Any files, photographs or other records created by these programs.

Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

Computer passwords and other data security devices that are designated to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital codes may include programming code that creates "test" keys or "hot" keys, which perform user-defined security-related functions when activated. Data security software or code which might also encrypt, compress, hide or "booby-trap" protected data to make it inaccessible or unreadable as well as reverse the process to restore the data. Logs of electronic communications, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records.

The terms "records," "documents," and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafters, or their modifications may have been created or stored, including, but not limited to, any handmade form (such as writing, drawing, painting, with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (such as tape recordings, cassettes, compact discs, or any information on an electronic or magnetic storage device, such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as printouts or readouts from magnetic storage devices).

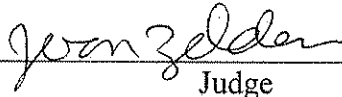


Affiant
Detective George Desilva
Second District Detectives Office



United States Attorney

Subscribed and sworn to me this 23rd day of Oct, 2014



Judge
Superior Court of the District of Columbia

AZ 10/23/14



14 CNC 1981

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
SEARCH WARRANT

TO: THE CHIEF OF POLICE OR ANY AUTHORIZED AGENT OF THE METROPOLITAN POLICE DEPARTMENT
(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Detective George Desilva Of The Second District
Investigative Unit that he has probable cause to believe

that on the (person) (premises) (vehicle) (object) known as The entire device known as a
WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE. THE DEVICE BEARS A SERIAL NUMBER OF:

WXF1E71PWCC5 SEIZED BY LAW ENFORCEMENT ON OCTOBER 24, 2014, IN ROOM
AD 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND
in the District of Columbia, there is now being concealed certain property, To include images, videos, photographic or video images,
And any other digital files stored on the device or its memory card or cards

AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS
AT THE UNITED STATES ATTORNEY'S OFFICE AND CURRENTLY IN THEIR
POSSESSION

which is Property which constitutes the commission of a criminal offense and evidence of Voyeurism (22-3531) and as I am satisfied
(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises)
(vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the
day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there.

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this
warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 23rd day of Oct, 20 14

Jon Zeldner
Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on _____, 20 _____ and have executed it as follows:
On _____, 20 _____, at _____ M., I searched the
(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with _____
properly posted.
(Name of person searched or owner, occupant, custodian or person present at place of search)

The following is an inventory of the property taken pursuant to this warrant:

This inventory was made in the presence of _____

I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20 _____

Judge, Superior Court of the District of Columbia

14 CNL 1981

METROPOLITAN POLICE DEPARTMENT
Washington, D.C.
AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Superior Court of the District of Columbia

THE PROPERTY TO BE SEARCHED IS: FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

[Handwritten signature]

AFFIANT INFORMATION: Your affiant in this matter is Detective George Desilva of the Metropolitan Police Department's Second District Detective Unit.

Your affiant has been a sworn member of the Metropolitan Police Department for approximately 25 years. I am currently a Detective Grade Two, assigned to the Second District Investigative Unit. I have been assigned to the Intelligence Unit, Homicide Branch, Sixth and Seventh District Investigative Unit and the Second District Investigative Unit and have been a detective for approximately 14 years. Over the past 25 years, I have been involved in hundreds of investigations and arrests of individuals for criminal offenses. In addition, I have been involved in obtaining and executing numerous search warrants.

The information in this affidavit is based on my personal knowledge and review electronic devices including a SD card, of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials. The information in this affidavit is also based on information I learned from John Marsh, a computer forensic examiner employed with the United States Attorney's Office. This affidavit does not include each and every fact known to the government but only those necessary to support a finding of probable cause.

STATEMENT OF FACTS:

In the late evening of October 13, 2014, a Second District Metropolitan Police Department (MPD) Investigator applied for, and obtained, an emergency D.C. Superior Court search warrant to examine the contents of an audio and video recording device which had been disguised as a digital clock radio (hereinafter referred to as the "Recording Device"). MPD obtained the Recording Device from an individual who retrieved it on October 12, 2014, from the changing/showering area in the basement of the National Capital

AZ 10/23/14

[Handwritten signature]

[Handwritten signature]

Mikvah, 1308 28th Street, N.W., Washington, D.C., which changing/showering area is connected to a room with a Jewish ritual bath (also known as a "Mikvah") (the Mikvah is the National Capital Mikvah). An individual associated with the Mikvah informed MPD that IT had previously seen the defendant Barry Freundel (DOB 12/16/51, PDID 686097), the Rabbi at Keshet Israel Congregation at 2801 N. Street, NW, Washington, D.C., which is across a courtyard from, and affiliated with, the National Capital Mikvah, plugging in and operating what looked like the Recording Device in the changing/showering area of the Mikvah. IT did not know that the Recording Device was anything other than a digital clock radio and only learned of its recording capacity on October 12, 2014. The Mikvah located at this location is across the courtyard from, and affiliated with, the Jewish synagogue, Keshet Israel. The female members of the Keshet Israel Synagogue, and individuals going through an Orthodox Jewish conversation process, frequently use the facilities at the National Capital Mikvah.

Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from an individual associated with the Mikvah, Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

The defendant is seen on numerous occasions setting up and operating the Recording Device in the showering and changing area connected to the Mikvah. The defendant is seen positioning the Recording Device so that it faced the shower and, by so doing, the Recording Device was able to capture unsuspecting women totally or partially undressed or changing clothes without their knowledge and consent.

Three videos on the Recording Device dated June 2, 2014, capture two women separately partially undressing or changing clothes in the changing/showering room. Neither woman appears to know that she is being recorded by the Recording Device.

Again on September 13, 2014 (which date is reflected on the video) the defendant is seen manipulating the Recording Device while pointing the camera directly toward his face. His voice is heard on the recording. The Defendant appears to be correcting the Recording Device's displayed time before positioning it on the counter facing the shower stall area. Four women captured in approximately six videos totally or partially undressed or changing clothes before taking a shower. Each is in the room individually. They are shown without clothing before entering the shower. The video captures them exiting the shower and drying off before getting dressed. Through my observations of the Recording Device it appears that these women do not know that the Recording Device is, in fact, recording them and that they are being recorded as they are undressing. There is no indication that the six women depicted changing and partially or totally naked consented to having their naked body photographed.

A file dated October 6, 2014, depicts the defendant again placing the camera in the changing room facing the shower room. Later that same date a video confirms information obtained from the individual associated with the Mikvah who recovered the camera from the changing/showering room. The date stamp at this instant was approximately six days prior to the actual date, thus the date on the video may not be accurate.

On October 14, 2014, a D.C. Superior Court Search Warrant was executed at the defendant's residence at 3026 O. Street, NW, Washington, D.C. At that time, the defendant was also arrested. Located at the

defendant's residence, in his bedroom, was the manual for the Recording Device. Preliminary computer forensic examinations, and analysis of other items seized from the defendant's home, reveal numerous media storage devices consistent with the one used in the Recording Device and other items with surreptitious audio and video recording capacity. At least one additional object capable of surreptitious video recording was seized from the defendant's residence. A manual for another surreptitious video recording device (disguised as a fan) was also seized. Preliminary computer forensic examination also reveals that the defendant has been engaging in the criminal act of voyeurism with use of several devices and over a period of time. During the preliminary stage of the investigation of this case numerous individuals have reported to law enforcement officers that they believe they, also, may have been surreptitiously recorded in the changing area to the Mikvah or the Mikvah itself.

Beginning on or about October 15, 2014, your Affiant Desilva determined that the defendant may be an Associate Professor at a nearby University located in Towson, MD. Your Affiant confirmed through further investigation that the defendant was indeed a full-time Associate Professor at Towson, date of hire August 12, 2009, date of tenure August 22, 2012, with an office verified in room 3139 of Towson's College of Liberal Arts Building in which he is believed to be the sole occupant.

On October 15, 2014, Towson University suspended all rights and privileges of the defendant at Towson University until the government's ongoing investigations are concluded. The University's Administration announced to the defendant's students and alumni the charges and on-going criminal investigation. The announcement asked any students that may be impacted by the on-going criminal investigation to notify the Towson University Police Department (TUPD). Since that time, several young female students contacted TUPD, several of whom advised that they made the trip to Keshet Israel Congregation in Washington D.C., at the request of the defendant. Some participated in the bathing ritual at the Mikvah. As a result of the forgoing, Your Affiant, along with Sergeant James Moynihan of the Towson University Police Department, applied for a search warrant of the defendant's office, room 3139, of Towson's College of Liberal Arts Building, which application was signed by a judge of the District Court of Maryland for Baltimore County. The search warrant was executed on October 21, 2014. During the execution of the search warrant, the following devices and items, among others, were recovered from the defendant's office. Following seizure of these items Your Affiant and other law enforcement agents took control of the following devices and items and transferred possession of them to John Marsh, computer forensic analyst at the United States Attorney's Office in Washington. Mr. Marsh has been in possession of the following devices and items since then. The devices and items seized from the defendant's office at Towson University included the following:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS

41

DB

CONCLUSION

Based on the foregoing facts and information, there is probable cause to believe that within the following list of devices and items, there is evidence of the crime of voyeurism:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS, TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE/ SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

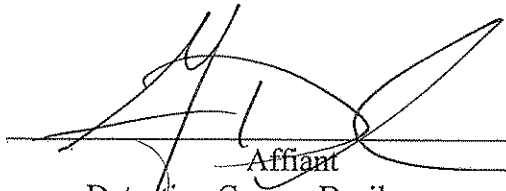
Your Affiant respectfully requests that a D.C Superior Court Search Warrant be issued to search the entire contents of the above-listed devices for, among other things, the following things:

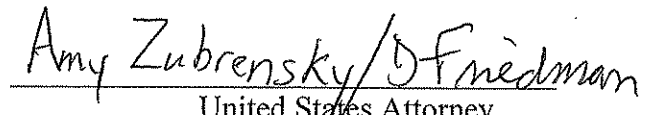
Files, records, photographs or any other digital media which is evidence of the crime of voyeurism. These may be secreted in computer software consisting of digital information, which can be interpreted, by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs. Any files, photographs or other records created by these programs.

Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

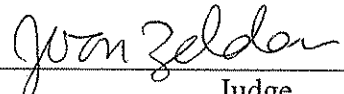
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Affiant
Detective George Desilva
Second District Detectives Office


United States Attorney

Subscribed and sworn to me this 23rd day of Oct, 2014


Judge
Superior Court of the District of Columbia

AZ 10/23/14





14WC 1873

(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Investigative Unit

that on the (person) (premises) (vehicle) (object) known as The entire device known as a

SEIZED BY LAW

And any other digital files stored on the device or its memory card or cards

Custody of Computer Forensic Analysts AT THE United States
Attorney's office And currently in their possession.

(Alleged grounds for seizure)

Issued this 23 day of October, 20 14

Judge, Superior Court of the District of Columbia

I received the above detailed warrant on _____, 20____ and have executed it as follows:

On _____, 20____, at _____ M., I searched the _____

(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with

(Name of person searched or owner, occupant, custodian or person present at place of search)

The following is an inventory of the property taken pursuant to this warrant:

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properly po

This inventory was made in the presence of

I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Superior Court of the District of Columbia

A2 10/23/14

METROPOLITAN POLICE DEPARTMENT

Washington, D.C.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Superior Court of the District of Columbia

THE PROPERTY TO BE SEARCHED IS: FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

AFFIANT INFORMATION: Your affiant in this matter is Detective George Desilva of the Metropolitan Police Department's Second District Detective Unit.

Your affiant has been a sworn member of the Metropolitan Police Department for approximately 25 years. I am currently a Detective Grade Two, assigned to the Second District Investigative Unit. I have been assigned to the Intelligence Unit, Homicide Branch, Sixth and Seventh District Investigative Unit and the Second District Investigative Unit and have been a detective for approximately 14 years. Over the past 25 years, I have been involved in hundreds of investigations and arrests of individuals for criminal offenses. In addition, I have been involved in obtaining and executing numerous search warrants.

The information in this affidavit is based on my personal knowledge and review electronic devices including a SD card, of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials. The information in this affidavit is also based on information I learned from John Marsh, a computer forensic examiner employed with the United States Attorney's Office. This affidavit does not include each and every fact known to the government but only those necessary to support a finding of probable cause.

STATEMENT OF FACTS:

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Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from an individual associated with the Mikvah, Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

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AD [Signature]

A2 10/23/14

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FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS

AZ 10/23/14

CONCLUSION

Based on the foregoing facts and information, there is probable cause to believe that within the following list of devices ~~and items~~ there is evidence of the crime of voyeurism:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

Your Affiant respectfully requests that a D.C Superior Court Search Warrant be issued to search the entire contents of the above-listed devices for, among other things, the following things:

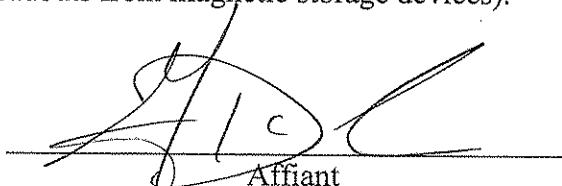
Files, records, photographs or any other digital media which is evidence of the crime of voyeurism. These may be secreted in computer software consisting of digital information, which can be interpreted, by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems; applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs. Any files, photographs or other records created by these programs.

Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

Computer passwords and other data security devices that are designated to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital codes may include programming code that creates "test" keys or "hot" keys, which perform user-defined security-related functions when activated. Data security software or code which might also encrypt, compress, hide or "booby-trap" protected data to make it inaccessible or unreadable as well as reverse the process to restore the data.

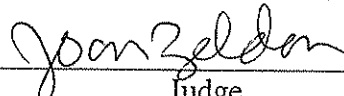
Logs of electronic communications, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records.

The terms "records," "documents," and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafters, or their modifications may have been created or stored, including, but not limited to, any handmade form (such as writing, drawing, painting, with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (such as tape recordings, cassettes, compact discs, or any information on an electronic or magnetic storage device, such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as printouts or readouts from magnetic storage devices).


 Affiant
 Detective George Desilva
 Second District Detectives Office

 AVSA
 United States Attorney

Subscribed and sworn to me this 23rd day of Oct, 2014


 Judge
 Superior Court of the District of Columbia

AZ 10/23/14



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
SEARCH WARRANT

14 CN C 1875

TO: THE CHIEF OF POLICE OR ANY AUTHORIZED AGENT OF THE METROPOLITAN POLICE DEPARTMENT

(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Detective George Desilva Of The Second District

Investigative Unit

that he has probable cause to believe

that on the (person) (premises) (vehicle) (object) known as The entire device known as a

SECUREMATE CLOCK CAMERA. THE DEVICE BEARS NO SERIAL NUMBER SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S College of Liberal Arts Building TOWSON, MARYLAND, AND TRANSFERRED TO THE Custody in the District of Columbia, there is now being concealed certain property, To include images, videos, photographic or video images,

And any other digital files stored on the device or its memory card or cards

of computer Forensic ANALYSTS AT THE UNITED STATES Attorney's office and currently in their possession

which is Property which constitutes the commission of a criminal offense and evidence of Voyeurism (22-3531) and as I am satisfied

(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises) (vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there.

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 23rd day of Oct, 2014

Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on _____, 20____ and have executed it as follows:

On _____, 20____, at _____ M., I searched the (person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with _____ properly posted.

(Name of person searched or owner, occupant, custodian or person present at place of search)

The following is an inventory of the property taken pursuant to this warrant:

This inventory was made in the presence of _____

I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Superior Court of the District of Columbia

A2 10/23/14

METROPOLITAN POLICE DEPARTMENT

Washington, D.C.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Superior Court of the District of Columbia

THE PROPERTY TO BE SEARCHED IS: FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ~~ONE SECUREMATE CLOCK CAMERA~~; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

AFFIANT INFORMATION: Your affiant in this matter is Detective George Desilva of the Metropolitan Police Department's Second District Detective Unit.

Your affiant has been a sworn member of the Metropolitan Police Department for approximately 25 years. I am currently a Detective Grade Two, assigned to the Second District Investigative Unit. I have been assigned to the Intelligence Unit, Homicide Branch, Sixth and Seventh District Investigative Unit and the Second District Investigative Unit and have been a detective for approximately 14 years. Over the past 25 years, I have been involved in hundreds of investigations and arrests of individuals for criminal offenses. In addition, I have been involved in obtaining and executing numerous search warrants.

The information in this affidavit is based on my personal knowledge and review electronic devices including a SD card, of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials. The information in this affidavit is also based on information I learned from John Marsh, a computer forensic examiner employed with the United States Attorney's Office. This affidavit does not include each and every fact known to the government but only those necessary to support a finding of probable cause.

STATEMENT OF FACTS:

In the late evening of October 13, 2014, a Second District Metropolitan Police Department (MPD) Investigator applied for, and obtained, an emergency D.C. Superior Court search warrant to examine the contents of an audio and video recording device which had been disguised as a digital clock radio (hereinafter referred to as the "Recording Device"). MPD obtained the Recording Device from an individual who retrieved it on October 12, 2014, from the changing/showering area in the basement of the National Capital

A2 10/23/14

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Mikvah, 1308 28th Street, N.W., Washington, D.C., which changing/showering area is connected to a room with a Jewish ritual bath (also known as a "Mikvah") (the Mikvah is the National Capital Mikvah). An individual associated with the Mikvah informed MPD that IT had previously seen the defendant Barry Freundel (DOB 12/16/51, PDID 686097), the Rabbi at Keshet Israel Congregation at 2801 N. Street, NW, Washington, D.C., which is across a courtyard from, and affiliated with, the National Capital Mikvah, plugging in and operating what looked like the Recording Device in the changing/showering area of the Mikvah. IT did not know that the Recording Device was anything other than a digital clock radio and only learned of its recording capacity on October 12, 2014. The Mikvah located at this location is across the courtyard from, and affiliated with, the Jewish synagogue, Keshet Israel. The female members of the Keshet Israel Synagogue, and individuals going through an Orthodox Jewish conversation process, frequently use the facilities at the National Capital Mikvah.

Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from an individual associated with the Mikvah, Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

The defendant is seen on numerous occasions setting up and operating the Recording Device in the showering and changing area connected to the Mikvah. The defendant is seen positioning the Recording Device so that it faced the shower and, by so doing, the Recording Device was able to capture unsuspecting women totally or partially undressed or changing clothes without their knowledge and consent.

Three videos on the Recording Device dated June 2, 2014, capture two women separately partially undressing or changing clothes in the changing/showering room. Neither woman appears to know that she is being recorded by the Recording Device.

Again on September 13, 2014 (which date is reflected on the video) the defendant is seen manipulating the Recording Device while pointing the camera directly toward his face. His voice is heard on the recording. The Defendant appears to be correcting the Recording Device's displayed time before positioning it on the counter facing the shower stall area. Four women captured in approximately six videos totally or partially undressed or changing clothes before taking a shower. Each is in the room individually. They are shown without clothing before entering the shower. The video captures them exiting the shower and drying off before getting dressed. Through my observations of the Recording Device it appears that these women do not know that the Recording Device is, in fact, recording them and that they are being recorded as they are undressing. There is no indication that the six women depicted changing and partially or totally naked consented to having their naked body photographed.

A file dated October 6, 2014, depicts the defendant again placing the camera in the changing room facing the shower room. Later that same date a video confirms information obtained from the individual associated with the Mikvah who recovered the camera from the changing/showering room. The date stamp at this instant was approximately six days prior to the actual date, thus the date on the video may not be accurate.

On October 14, 2014, a D.C. Superior Court Search Warrant was executed at the defendant's residence at 3026 O. Street, NW, Washington, D.C. At that time, the defendant was also arrested. Located at the

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10/23/14

defendant's residence, in his bedroom, was the manual for the Recording Device. Preliminary computer forensic examinations, and analysis of other items seized from the defendant's home, reveal numerous media storage devices consistent with the one used in the Recording Device and other items with surreptitious audio and video recording capacity. At least one additional object capable of surreptitious video recording was seized from the defendant's residence. A manual for another surreptitious video recording device (disguised as a fan) was also seized. Preliminary computer forensic examination also reveals that the defendant has been engaging in the criminal act of voyeurism with use of several devices and over a period of time. During the preliminary stage of the investigation of this case numerous individuals have reported to law enforcement officers that they believe they, also, may have been surreptitiously recorded in the changing area to the Mikvah or the Mikvah itself.

Beginning on or about October 15, 2014, your Affiant Desilva determined that the defendant may be an Associate Professor at a nearby University located in Towson, MD. Your Affiant confirmed through further investigation that the defendant was indeed a full-time Associate Professor at Towson, date of hire August 12, 2009, date of tenure August 22, 2012, with an office verified in room 3139 of Towson's College of Liberal Arts Building in which he is believed to be the sole occupant.

On October 15, 2014, Towson University suspended all rights and privileges of the defendant at Towson University until the government's ongoing investigations are concluded. The University's Administration announced to the defendant's students and alumni the charges and on-going criminal investigation. The announcement asked any students that may be impacted by the on-going criminal investigation to notify the Towson University Police Department (TUPD). Since that time, several young female students contacted TUPD, several of whom advised that they made the trip to Keshet Israel Congregation in Washington D.C., at the request of the defendant. Some participated in the bathing ritual at the Mikvah. As a result of the forgoing, Your Affiant, along with Sergeant James Moynihan of the Towson University Police Department, applied for a search warrant of the defendant's office, room 3139, of Towson's College of Liberal Arts Building, which application was signed by a judge of the District Court of Maryland for Baltimore County. The search warrant was executed on October 21, 2014. During the execution of the search warrant, the following devices and items, among others, were recovered from the defendant's office. Following seizure of these items Your Affiant and other law enforcement agents took control of the following devices and items and transferred possession of them to John Marsh, computer forensic analyst at the United States Attorney's Office in Washington. Mr. Marsh has been in possession of the following devices and items since then. The devices and items seized from the defendant's office at Towson University included the following:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS

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CONCLUSION

14 ENC 1875

Based on the foregoing facts and information, there is probable cause to believe that within the following list of devices and items, there is evidence of the crime of voyeurism:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079, ONE SECUREMATE ~~CLOCK CAMERA~~; ONE DELL LAPTOP COMPUTER, MODEL I758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

Your Affiant respectfully requests that a D.C Superior Court Search Warrant be issued to search the entire contents of the above-listed devices for, among other things, the following things:

Files, records, photographs or any other digital media which is evidence of the crime of voyeurism. These may be secreted in computer software consisting of digital information, which can be interpreted, by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs. Any files, photographs or other records created by these programs.

Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

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Logs of electronic communications, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records.

AZ 10/23/14

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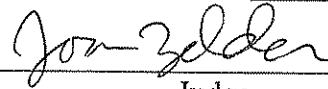
The terms "records," "documents," and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafters, or their modifications may have been created or stored, including, but not limited to, any handmade form (such as writing, drawing, painting, with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (such as tape recordings, cassettes, compact discs, or any information on an electronic or magnetic storage device, such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as printouts or readouts from magnetic storage devices).


 Affiant

Detective George Desilva
 Second District Detectives Office

 AVSA
 United States Attorney

Subscribed and sworn to me this 23rd day of Oct., 2014


 Judge
 Superior Court of the District of Columbia

AZ 10/23/14



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
SEARCH WARRANT**

TO: THE CHIEF OF POLICE OR ANY AUTHORIZED AGENT OF THE METROPOLITAN POLICE DEPARTMENT
(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Detective George Desilva Of The Second District
Investigative Unit _____ that he has probable cause to believe
that on the (person) (premises) (vehicle) (object) known as The entire device known as a
FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD;
TWO 32-GB MINI SD CARDS; TWO 8-GB MINI-SD CARDS. THE DEVICES BEAR NO SERIAL NUMBERS
SEIZED BY LAW ENFORCEMENT ON OCTOBER 26, 2014, IN ROOM 3139 of
in the District of Columbia, there is now being concealed certain property, To include images, videos, photographic or video images,
And any other digital files stored on the device or its memory card or cards
TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND
TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT
THE UNITED STATES ATTORNEY'S OFFICE AND CURRENTLY IN THEIR
POSSESSION
which is Property which constitutes the commission of a criminal offense and evidence of Voyeurism (22-3531) and as I am satisfied
(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises) (vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there,

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 23rd day of Oct, 20 14

Juan Z. Dela Cruz
Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on _____, 20____ and have executed it as follows:
On _____, 20____, at _____ M., I searched the
(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with _____ properly posted.

(Name of person searched or owner, occupant, custodian or person present at place of search)

The following is an inventory of the property taken pursuant to this warrant:

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I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Superior Court of the District of Columbia

A2 10/23/14

METROPOLITAN POLICE DEPARTMENT

Washington, D.C.

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Superior Court of the District of Columbia**

SD
B THE PROPERTY TO BE SEARCHED IS: FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

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STATEMENT OF FACTS:

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SD B

Mikvah, 1308 28th Street, N.W., Washington, D.C., which changing/showering area is connected to a room with a Jewish ritual bath (also known as a "Mikvah") (the Mikvah is the National Capital Mikvah). An individual associated with the Mikvah informed MPD that IT had previously seen the defendant Barry Freundel (DOB 12/16/51, PDID 686097), the Rabbi at Keshet Israel Congregation at 2801 N. Street, NW, Washington, D.C., which is across a courtyard from, and affiliated with, the National Capital Mikvah, plugging in and operating what looked like the Recording Device in the changing/showering area of the Mikvah. IT did not know that the Recording Device was anything other than a digital clock radio and only learned of its recording capacity on October 12, 2014. The Mikvah located at this location is across the courtyard from, and affiliated with, the Jewish synagogue, Keshet Israel. The female members of the Keshet Israel Synagogue, and individuals going through an Orthodox Jewish conversion process, frequently use the facilities at the National Capital Mikvah.

Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from an individual associated with the Mikvah, Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

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On October 14, 2014, a D.C. Superior Court Search Warrant was executed at the defendant's residence at 3026 O. Street, NW, Washington, D.C. At that time, the defendant was also arrested. Located at the

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defendant's residence, in his bedroom, was the manual for the Recording Device. Preliminary computer forensic examinations, and analysis of other items seized from the defendant's home, reveal numerous media storage devices consistent with the one used in the Recording Device and other items with surreptitious audio and video recording capacity. At least one additional object capable of surreptitious video recording was seized from the defendant's residence. A manual for another surreptitious video recording device (disguised as a fan) was also seized. Preliminary computer forensic examination also reveals that the defendant has been engaging in the criminal act of voyeurism with use of several devices and over a period of time. During the preliminary stage of the investigation of this case numerous individuals have reported to law enforcement officers that they believe they, also, may have been surreptitiously recorded in the changing area to the Mikvah or the Mikvah itself.

Beginning on or about October 15, 2014, your Affiant Desilva determined that the defendant may be an Associate Professor at a nearby University located in Towson, MD. Your Affiant confirmed through further investigation that the defendant was indeed a full-time Associate Professor at Towson, date of hire August 12, 2009, date of tenure August 22, 2012, with an office verified in room 3139 of Towson's College of Liberal Arts Building in which he is believed to be the sole occupant.

On October 15, 2014, Towson University suspended all rights and privileges of the defendant at Towson University until the government's ongoing investigations are concluded. The University's Administration announced to the defendant's students and alumni the charges and on-going criminal investigation. The announcement asked any students that may be impacted by the on-going criminal investigation to notify the Towson University Police Department (TUPD). Since that time, several young female students contacted TUPD, several of whom advised that they made the trip to Keshet Israel Congregation in Washington D.C., at the request of the defendant. Some participated in the bathing ritual at the Mikvah. As a result of the forgoing, Your Affiant, along with Sergeant James Moynihan of the Towson University Police Department, applied for a search warrant of the defendant's office, room 3139, of Towson's College of Liberal Arts Building, which application was signed by a judge of the District Court of Maryland for Baltimore County. The search warrant was executed on October 21, 2014. During the execution of the search warrant, the following devices and items, among others, were recovered from the defendant's office. Following seizure of these items Your Affiant and other law enforcement agents took control of the following devices and items and transferred possession of them to John Marsh, computer forensic analyst at the United States Attorney's Office in Washington. Mr. Marsh has been in possession of the following devices and items since then. The devices and items seized from the defendant's office at Towson University included the following:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS

AD

CONCLUSION

14CNC1872

Based on the foregoing facts and information, there is probable cause to believe that within the following list of devices and items, there is evidence of the crime of voyeurism:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

Your Affiant respectfully requests that a D.C Superior Court Search Warrant be issued to search the entire contents of the above-listed devices ^{Items} for, among other things, the following things:

Files, records, photographs or any other digital media which is evidence of the crime of voyeurism. These may be secreted in computer software consisting of digital information, which can be interpreted, by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs. Any files, photographs or other records created by these programs.

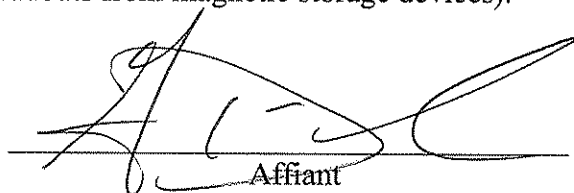
Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

Computer passwords and other data security devices that are designated to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital codes may include programming code that creates "test" keys or "hot" keys, which perform user-defined security-related functions when activated. Data security software or code which might also encrypt, compress, hide or "booby-trap" protected data to make it inaccessible or unreadable as well as reverse the process to restore the data. Logs of electronic communications, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records.

SD BY

14 CNC 1822

The terms "records," "documents," and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafters, or their modifications may have been created or stored, including, but not limited to, any handmade form (such as writing, drawing, painting, with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (such as tape recordings, cassettes, compact discs, or any information on an electronic or magnetic storage device, such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as printouts or readouts from magnetic storage devices).


Affiant

Detective George Desilva
Second District Detectives Office


United States Attorney

Subscribed and sworn to me this 23rd day of Oct, 2014


Judge

Superior Court of the District of Columbia

AZ- 10/23/14

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
SEARCH WARRANT

14CNC 1882

TO: THE CHIEF OF POLICE OR ANY AUTHORIZED AGENT OF THE METROPOLITAN POLICE DEPARTMENT
(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Detective George Desilva Of The Second District
Investigative Unit that he has probable cause to believe
that on the (person) (premises) (vehicle) (object) known as The entire device known as a
8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE. THE DEVICE BEARS NO SERIAL NUMBER

in the District of Columbia, there is now being concealed certain property, To include images, videos, photographic or video images,
And any other digital files stored on the device or its memory card or cards

which is Property which constitutes the commission of a criminal offense and evidence of Voyeurism (22-3531) and as I am satisfied
(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises)
(vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the
day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there.

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this
warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 23rd day of October, 20 14

Joan Zeldan
Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on _____, 20____ and have executed it as follows:
On _____, 20____, at _____ M., I searched the
(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with _____
properly posted.
(Name of person searched or owner, occupant, custodian or person present at place of search)

The following is an inventory of the property taken pursuant to this warrant:

This inventory was made in the presence of _____

I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Superior Court of the District of Columbia

A2-10/23/14

METROPOLITAN POLICE DEPARTMENT

Washington, D.C.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Superior Court of the District of Columbia

14ENC1882

THE PROPERTY TO BE SEARCHED IS: FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

AFFIANT INFORMATION: Your affiant in this matter is Detective George Desilva of the Metropolitan Police Department's Second District Detective Unit.

Your affiant has been a sworn member of the Metropolitan Police Department for approximately 25 years. I am currently a Detective Grade Two, assigned to the Second District Investigative Unit. I have been assigned to the Intelligence Unit, Homicide Branch, Sixth and Seventh District Investigative Unit and the Second District Investigative Unit and have been a detective for approximately 14 years. Over the past 25 years, I have been involved in hundreds of investigations and arrests of individuals for criminal offenses. In addition, I have been involved in obtaining and executing numerous search warrants.

The information in this affidavit is based on my personal knowledge and review electronic devices including a SD card, of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials. The information in this affidavit is also based on information I learned from John Marsh, a computer forensic examiner employed with the United States Attorney's Office. This affidavit does not include each and every fact known to the government but only those necessary to support a finding of probable cause.

STATEMENT OF FACTS:

In the late evening of October 13, 2014, a Second District Metropolitan Police Department (MPD) Investigator applied for, and obtained, an emergency D.C. Superior Court search warrant to examine the contents of an audio and video recording device which had been disguised as a digital clock radio (hereinafter referred to as the "Recording Device"). MPD obtained the Recording Device from an individual who retrieved it on October 12, 2014, from the changing/showering area in the basement of the National Capital

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Mikvah, 1308 28th Street, N.W., Washington, D.C., which changing/showering area is connected to a room with a Jewish ritual bath (also known as a "Mikvah") (the Mikvah is the National Capital Mikvah). An individual associated with the Mikvah informed MPD that IT had previously seen the defendant Barry Freundel (DOB 12/16/51, PDID 686097), the Rabbi at Keshet Israel Congregation at 2801 N. Street, NW, Washington, D.C., which is across a courtyard from, and affiliated with, the National Capital Mikvah, plugging in and operating what looked like the Recording Device in the changing/showering area of the Mikvah. IT did not know that the Recording Device was anything other than a digital clock radio and only learned of its recording capacity on October 12, 2014. The Mikvah located at this location is across the courtyard from, and affiliated with, the Jewish synagogue, Keshet Israel. The female members of the Keshet Israel Synagogue, and individuals going through an Orthodox Jewish conversation process, frequently use the facilities at the National Capital Mikvah.

Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from an individual associated with the Mikvah, Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

The defendant is seen on numerous occasions setting up and operating the Recording Device in the showering and changing area connected to the Mikvah. The defendant is seen positioning the Recording Device so that it faced the shower and, by so doing, the Recording Device was able to capture unsuspecting women totally or partially undressed or changing clothes without their knowledge and consent.

Three videos on the Recording Device dated June 2, 2014, capture two women separately partially undressing or changing clothes in the changing/showering room. Neither woman appears to know that she is being recorded by the Recording Device.

Again on September 13, 2014 (which date is reflected on the video) the defendant is seen manipulating the Recording Device while pointing the camera directly toward his face. His voice is heard on the recording. The Defendant appears to be correcting the Recording Device's displayed time before positioning it on the counter facing the shower stall area. Four women captured in approximately six videos totally or partially undressed or changing clothes before taking a shower. Each is in the room individually. They are shown without clothing before entering the shower. The video captures them exiting the shower and drying off before getting dressed. Through my observations of the Recording Device it appears that these women do not know that the Recording Device is, in fact, recording them and that they are being recorded as they are undressing. There is no indication that the six women depicted changing and partially or totally naked consented to having their naked body photographed.

A file dated October 6, 2014, depicts the defendant again placing the camera in the changing room facing the shower room. Later that same date a video confirms information obtained from the individual associated with the Mikvah who recovered the camera from the changing/showering room. The date stamp at this instant was approximately six days prior to the actual date, thus the date on the video may not be accurate.

On October 14, 2014, a D.C. Superior Court Search Warrant was executed at the defendant's residence at 3026 O. Street, NW, Washington, D.C. At that time, the defendant was also arrested. Located at the

[Handwritten signature]

AZ 10/23/14

defendant's residence, in his bedroom, was the manual for the Recording Device. Preliminary computer forensic examinations, and analysis of other items seized from the defendant's home, reveal numerous media storage devices consistent with the one used in the Recording Device and other items with surreptitious audio and video recording capacity. At least one additional object capable of surreptitious video recording was seized from the defendant's residence. A manual for another surreptitious video recording device (disguised as a fan) was also seized. Preliminary computer forensic examination also reveals that the defendant has been engaging in the criminal act of voyeurism with use of several devices and over a period of time. During the preliminary stage of the investigation of this case numerous individuals have reported to law enforcement officers that they believe they, also, may have been surreptitiously recorded in the changing area to the Mikvah or the Mikvah itself.

Beginning on or about October 15, 2014, your Affiant Desilva determined that the defendant may be an Associate Professor at a nearby University located in Towson, MD. Your Affiant confirmed through further investigation that the defendant was indeed a full-time Associate Professor at Towson, date of hire August 12, 2009, date of tenure August 22, 2012, with an office verified in room 3139 of Towson's College of Liberal Arts Building in which he is believed to be the sole occupant.

On October 15, 2014, Towson University suspended all rights and privileges of the defendant at Towson University until the government's ongoing investigations are concluded. The University's Administration announced to the defendant's students and alumni the charges and on-going criminal investigation. The announcement asked any students that may be impacted by the on-going criminal investigation to notify the Towson University Police Department (TUPD). Since that time, several young female students contacted TUPD, several of whom advised that they made the trip to Keshet Israel Congregation in Washington D.C., at the request of the defendant. Some participated in the bathing ritual at the Mikvah. As a result of the forgoing, Your Affiant, along with Sergeant James Moynihan of the Towson University Police Department, applied for a search warrant of the defendant's office, room 3139, of Towson's College of Liberal Arts Building, which application was signed by a judge of the District Court of Maryland for Baltimore County. The search warrant was executed on October 21, 2014. During the execution of the search warrant, the following devices and items, among others, were recovered from the defendant's office. Following seizure of these items Your Affiant and other law enforcement agents took control of the following devices and items and transferred possession of them to John Marsh, computer forensic analyst at the United States Attorney's Office in Washington. Mr. Marsh has been in possession of the following devices and items since then. The devices and items seized from the defendant's office at Towson University included the following:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS

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CONCLUSION

Based on the foregoing facts and information, there is probable cause to believe that within the following list of devices and items, there is evidence of the crime of voyeurism:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

Your Affiant respectfully requests that a D.C Superior Court Search Warrant be issued to search the entire contents of the above-listed ~~devices~~ *item* for, among other things, the following things:

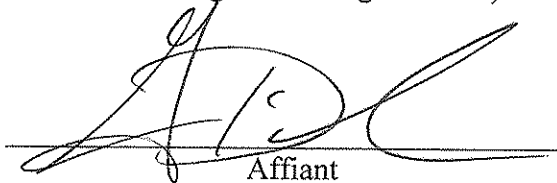
Files, records, photographs or any other digital media which is evidence of the crime of voyeurism. These may be secreted in computer software consisting of digital information, which can be interpreted, by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs. Any files, photographs or other records created by these programs.

Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

Computer passwords and other data security devices that are designated to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital codes may include programming code that creates "test" keys or "hot" keys, which perform user-defined security-related functions when activated. Data security software or code which might also encrypt, compress, hide or "booby-trap" protected data to make it inaccessible or unreadable as well as reverse the process to restore the data. Logs of electronic communications, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records.

14 CNC 1882


The terms "records," "documents," and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafters, or their modifications may have been created or stored, including, but not limited to, any handmade form (such as writing, drawing, painting, with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (such as tape recordings, cassettes, compact discs, or any information on an electronic or magnetic storage device, such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as printouts or readouts from magnetic storage devices).


Affiant

Detective George Desilva
Second District Detectives Office

 AVSA
United States Attorney

Subscribed and sworn to me this 23rd day of Oct., 2014


Judge
Superior Court of the District of Columbia

AP 10/23/14



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
SEARCH WARRANT

14 enc 1871

TO: THE CHIEF OF POLICE OR ANY AUTHORIZED AGENT OF THE METROPOLITAN POLICE DEPARTMENT

(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Detective George Desilva Of The Second District
Investigative Unit that he has probable cause to believe
that on the (person) (premises) (vehicle) (object) known as The entire device known as a
PNY 2-GB MEMORY STICK HARD DRIVE. THE DEVICE BEARS NO SERIAL NUMBER

in the District of Columbia, there is now being concealed certain property, To include images, videos, photographic or video images,
And any other digital files stored on the device or its memory card or cards

which is Property which constitutes the commission of a criminal offense and evidence of Voyeurism (22-3531) and as I am satisfied
(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises)
(vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the
day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there.

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this
warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 23rd day of Oct, 20 14

Jon Zeldin
Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on _____, 20____ and have executed it as follows:
On _____, 20____, at _____ M., I searched the
(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with _____

(Name of person searched or owner, occupant, custodian or person present at place of search)

The following is an inventory of the property taken pursuant to this warrant:

This inventory was made in the presence of _____

I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Superior Court of the District of Columbia

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2014 OCT 23 AM 11 12
SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA
CRIMINAL DIVISION

METROPOLITAN POLICE DEPARTMENT

Washington, D.C.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Superior Court of the District of Columbia

14 cnc 1871

THE PROPERTY TO BE SEARCHED IS: FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

AFFIANT INFORMATION: Your affiant in this matter is Detective George Desilva of the Metropolitan Police Department's Second District Detective Unit.

Your affiant has been a sworn member of the Metropolitan Police Department for approximately 25 years. I am currently a Detective Grade Two, assigned to the Second District Investigative Unit. I have been assigned to the Intelligence Unit, Homicide Branch, Sixth and Seventh District Investigative Unit and the Second District Investigative Unit and have been a detective for approximately 14 years. Over the past 25 years, I have been involved in hundreds of investigations and arrests of individuals for criminal offenses. In addition, I have been involved in obtaining and executing numerous search warrants.

The information in this affidavit is based on my personal knowledge and review electronic devices including a SD card, of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials. The information in this affidavit is also based on information I learned from John Marsh, a computer forensic examiner employed with the United States Attorney's Office. This affidavit does not include each and every fact known to the government but only those necessary to support a finding of probable cause.

STATEMENT OF FACTS:

In the late evening of October 13, 2014, a Second District Metropolitan Police Department (MPD) Investigator applied for, and obtained, an emergency D.C. Superior Court search warrant to examine the contents of an audio and video recording device which had been disguised as a digital clock radio (hereinafter referred to as the "Recording Device"). MPD obtained the Recording Device from an individual who retrieved it on October 12, 2014, from the changing/showering area in the basement of the National Capital

AZ 10/23/14

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Mikvah, 1308 28th Street, N.W., Washington, D.C., which changing/showering area is connected to a room with a Jewish ritual bath (also known as a "Mikvah") (the Mikvah is the National Capital Mikvah). An individual associated with the Mikvah informed MPD that IT had previously seen the defendant Barry Freundel (DOB 12/16/51, PDID 686097), the Rabbi at Keshet Israel Congregation at 2801 N. Street, NW, Washington, D.C., which is across a courtyard from, and affiliated with, the National Capital Mikvah, plugging in and operating what looked like the Recording Device in the changing/showering area of the Mikvah. IT did not know that the Recording Device was anything other than a digital clock radio and only learned of its recording capacity on October 12, 2014. The Mikvah located at this location is across the courtyard from, and affiliated with, the Jewish synagogue, Keshet Israel. The female members of the Keshet Israel Synagogue, and individuals going through an Orthodox Jewish conversation process, frequently use the facilities at the National Capital Mikvah.

Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from an individual associated with the Mikvah, Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

The defendant is seen on numerous occasions setting up and operating the Recording Device in the showering and changing area connected to the Mikvah. The defendant is seen positioning the Recording Device so that it faced the shower and, by so doing, the Recording Device was able to capture unsuspecting women totally or partially undressed or changing clothes without their knowledge and consent.

Three videos on the Recording Device dated June 2, 2014, capture two women separately partially undressing or changing clothes in the changing/showering room. Neither woman appears to know that she is being recorded by the Recording Device.

Again on September 13, 2014 (which date is reflected on the video) the defendant is seen manipulating the Recording Device while pointing the camera directly toward his face. His voice is heard on the recording. The Defendant appears to be correcting the Recording Device's displayed time before positioning it on the counter facing the shower stall area. Four women captured in approximately six videos totally or partially undressed or changing clothes before taking a shower. Each is in the room individually. They are shown without clothing before entering the shower. The video captures them exiting the shower and drying off before getting dressed. Through my observations of the Recording Device it appears that these women do not know that the Recording Device is, in fact, recording them and that they are being recorded as they are undressing. There is no indication that the six women depicted changing and partially or totally naked consented to having their naked body photographed.

A file dated October 6, 2014, depicts the defendant again placing the camera in the changing room facing the shower room. Later that same date a video confirms information obtained from the individual associated with the Mikvah who recovered the camera from the changing/showering room. The date stamp at this instant was approximately six days prior to the actual date, thus the date on the video may not be accurate.

On October 14, 2014, a D.C. Superior Court Search Warrant was executed at the defendant's residence at 3026 O. Street, NW, Washington, D.C. At that time, the defendant was also arrested. Located at the

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defendant's residence, in his bedroom, was the manual for the Recording Device. Preliminary computer forensic examinations, and analysis of other items seized from the defendant's home, reveal numerous media storage devices consistent with the one used in the Recording Device and other items with surreptitious audio and video recording capacity. At least one additional object capable of surreptitious video recording was seized from the defendant's residence. A manual for another surreptitious video recording device (disguised as a fan) was also seized. Preliminary computer forensic examination also reveals that the defendant has been engaging in the criminal act of voyeurism with use of several devices and over a period of time. During the preliminary stage of the investigation of this case numerous individuals have reported to law enforcement officers that they believe they, also, may have been surreptitiously recorded in the changing area to the Mikvah or the Mikvah itself.

Beginning on or about October 15, 2014, your Affiant Desilva determined that the defendant may be an Associate Professor at a nearby University located in Towson, MD. Your Affiant confirmed through further investigation that the defendant was indeed a full-time Associate Professor at Towson, date of hire August 12, 2009, date of tenure August 22, 2012, with an office verified in room 3139 of Towson's College of Liberal Arts Building in which he is believed to be the sole occupant.

On October 15, 2014, Towson University suspended all rights and privileges of the defendant at Towson University until the government's ongoing investigations are concluded. The University's Administration announced to the defendant's students and alumni the charges and on-going criminal investigation. The announcement asked any students that may be impacted by the on-going criminal investigation to notify the Towson University Police Department (TUPD). Since that time, several young female students contacted TUPD, several of whom advised that they made the trip to Keshet Israel Congregation in Washington D.C., at the request of the defendant. Some participated in the bathing ritual at the Mikvah. As a result of the forgoing, Your Affiant, along with Sergeant James Moynihan of the Towson University Police Department, applied for a search warrant of the defendant's office, room 3139, of Towson's College of Liberal Arts Building, which application was signed by a judge of the District Court of Maryland for Baltimore County. The search warrant was executed on October 21, 2014. During the execution of the search warrant, the following devices and items, among others, were recovered from the defendant's office. Following seizure of these items Your Affiant and other law enforcement agents took control of the following devices and items and transferred possession of them to John Marsh, computer forensic analyst at the United States Attorney's Office in Washington. Mr. Marsh has been in possession of the following devices and items since then. The devices and items seized from the defendant's office at Towson University included the following:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS

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CONCLUSION

Based on the foregoing facts and information, there is probable cause to believe that within the following list of devices and items, there is evidence of the crime of voyeurism:

FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TBTIK0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

Your Affiant respectfully requests that a D.C Superior Court Search Warrant be issued to search the entire contents of the above-listed devices for, among other things, the following things:

Files, records, photographs or any other digital media which is evidence of the crime of voyeurism. These may be secreted in computer software consisting of digital information, which can be interpreted, by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs. Any files, photographs or other records created by these programs.

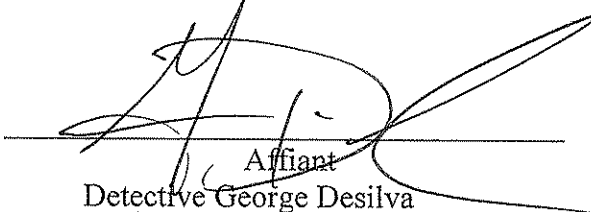
Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

Computer passwords and other data security devices that are designated to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital codes may include programming code that creates "test" keys or "hot" keys, which perform user-defined security-related functions when activated. Data security software or code which might also encrypt, compress, hide or "booby-trap" protected data to make it inaccessible or unreadable as well as reverse the process to restore the data. Logs of electronic communications, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records.

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14 CAC 1871

The terms "records," "documents," and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafters, or their modifications may have been created or stored, including, but not limited to, any handmade form (such as writing, drawing, painting, with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (such as tape recordings, cassettes, compact discs, or any information on an electronic or magnetic storage device, such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as printouts or readouts from magnetic storage devices).


Affiant
Detective George Desilva
Second District Detectives Office


United States Attorney, AUSA

Subscribed and sworn to me this 23rd day of Oct., 2014


Judge
Superior Court of the District of Columbia

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AD

14 CRW 3787
14 CMC 1877

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
SEARCH WARRANT

TO: THE CHIEF OF POLICE OR ANY AUTHORIZED AGENT OF THE METROPOLITAN POLICE DEPARTMENT
(Specific Law Enforcement Officer or Classification of Officer of the Metropolitan Police Department or other Authorized Agency)

Affidavit, herewith attached, having been made before me by Detective George Desilva Of The Second District
Investigative Unit _____ that he has probable cause to believe
that on the (person) (premises) (vehicle) (object) known as The entire device known as a
MAXTER ONE TOUCH EXTERNAL HARD DRIVE. THE DEVICE BEARS A SERIAL NUMBER OF: 2HAPDW73 SEIZED BY
LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S
College of Liberal Arts Building, Towson, Maryland, AND TRANSFERRED
in the District of Columbia, there is now being concealed certain property, To include images, videos, photographic or video images,
And any other digital files stored on the device or its memory card or cards
TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED
STATES ATTORNEY OFFICE AND CURRENTLY IN THEIR POSSESSION

which is Property which constitutes the commission of a criminal offense and evidence of Voyeurism (22-3531) and as I am satisfied
(Alleged grounds for seizure)

that there is probable cause to believe that the property so described is being concealed on the above designated (person) (premises) (vehicle) (object) and that the foregoing grounds for issuance of the warrant exist.

YOU ARE HEREBY AUTHORIZED within 10 days of the date of issuance of this warrant to search in the daytime/at any time of the day or night, the designated (person) (premises) (vehicle) (object) for the property specified and if the property be found there.

YOU ARE COMMANDED TO SEIZE IT, TO WRITE AND SUBSCRIBE an inventory of the property seized, to leave a copy of this warrant and return to file, a further copy of this warrant and return with the Court on the next Court day after its execution.

Issued this 23rd day of Oct, 20 14

Joan Zeldin
Judge, Superior Court of the District of Columbia

RETURN

I received the above detailed warrant on _____, 20____ and have executed it as follows:
On _____, 20____, at _____ M., I searched the
(person) (premises) (vehicles) (object) described in the warrant and I left a copy of the warrant and return with _____
properly posted.
(Name of person searched or owner, occupant, custodian or person present at place of search)

The following is an inventory of the property taken pursuant to this warrant:

This inventory was made in the presence of _____

I swear that this is a true and detailed account of all property taken by me under this warrant.

Executing Officer

Subscribed and sworn to before me this _____ day of _____, 20____

Judge, Superior Court of the District of Columbia

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14 CRW 3787
14 CIV 1877

METROPOLITAN POLICE DEPARTMENT
Washington, D.C.
AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT
Superior Court of the District of Columbia

THE PROPERTY TO BE SEARCHED IS: FIVE 16-GB SD CARDS; EIGHT 8-GB SD CARDS; FOUR 4-GB SD CARDS; TWO 2-GB SD CARDS; ONE 1-GB SD CARD; TWO 32-GB MINI-SD CARDS; TWO 8-GB MINI-SD CARDS; ONE WESTERN DIGITAL MY PASSPORT EXTERNAL HARD DRIVE, SERIAL NUMBER WXF1E71PWCC5; ONE MAXTER ONE TOUCH EXTERNAL HARD DRIVE, SERIAL NUMBER 2HAPDW73; ONE 8-GB SAN DISK CRUISER MEMORY STICK HARD DRIVE; ONE PNY 2-GB MEMORY STICK HARD DRIVE; ONE SECUREMATE TISSUE CAMERA, SERIAL NUMBER 01TB11K0079; ONE SECUREMATE CLOCK CAMERA; ONE DELL LAPTOP COMPUTER, MODEL 1758000, SERIAL NUMBER 32695861969; 33 FLOPPY DISKS SEIZED BY LAW ENFORCEMENT ON OCTOBER 21, 2014, IN ROOM 3139 OF TOWSON'S COLLEGE OF LIBERAL ARTS BUILDING, TOWSON, MARYLAND, AND TRANSFERRED TO THE CUSTODY OF COMPUTER FORENSIC ANALYSTS AT THE UNITED STATES ATTORNEY'S OFFICE, AND CURRENTLY IN THEIR POSSESSION

AFFIANT INFORMATION: Your affiant in this matter is Detective George Desilva of the Metropolitan Police Department's Second District Detective Unit.

Your affiant has been a sworn member of the Metropolitan Police Department for approximately 25 years. I am currently a Detective Grade Two, assigned to the Second District Investigative Unit. I have been assigned to the Intelligence Unit, Homicide Branch, Sixth and Seventh District Investigative Unit and the Second District Investigative Unit and have been a detective for approximately 14 years. Over the past 25 years, I have been involved in hundreds of investigations and arrests of individuals for criminal offenses. In addition, I have been involved in obtaining and executing numerous search warrants.

The information in this affidavit is based on my personal knowledge and review electronic devices including a SD card, of records, documents, and other physical evidence obtained during this investigation, as well as information conveyed to me by other law enforcement officials. The information in this affidavit is also based on information I learned from John Marsh, a computer forensic examiner employed with the United States Attorney's Office. This affidavit does not include each and every fact known to the government but only those necessary to support a finding of probable cause.

STATEMENT OF FACTS:

In the late evening of October 13, 2014, a Second District Metropolitan Police Department (MPD) Investigator applied for, and obtained, an emergency D.C. Superior Court search warrant to examine the contents of an audio and video recording device which had been disguised as a digital clock radio (hereinafter referred to as the "Recording Device"). MPD obtained the Recording Device from an individual who retrieved it on October 12, 2014, from the changing/showering area in the basement of the National Capital

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14 CNC 1877

Mikvah, 1308 28th Street, N.W., Washington, D.C., which changing/showering area is connected to a room with a Jewish ritual bath (also known as a "Mikvah") (the Mikvah is the National Capital Mikvah). An individual associated with the Mikvah informed MPD that IT had previously seen the defendant Barry Freundel (DOB 12/16/51, PDID 686097), the Rabbi at Keshet Israel Congregation at 2801 N. Street, NW, Washington, D.C., which is across a courtyard from, and affiliated with, the National Capital Mikvah, plugging in and operating what looked like the Recording Device in the changing/showering area of the Mikvah. IT did not know that the Recording Device was anything other than a digital clock radio and only learned of its recording capacity on October 12, 2014. The Mikvah located at this location is across the courtyard from, and affiliated with, the Jewish synagogue, Keshet Israel. The female members of the Keshet Israel Synagogue, and individuals going through an Orthodox Jewish conversation process, frequently use the facilities at the National Capital Mikvah.

Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from an individual associated with the Mikvah, Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

The defendant is seen on numerous occasions setting up and operating the Recording Device in the showering and changing area connected to the Mikvah. The defendant is seen positioning the Recording Device so that it faced the shower and, by so doing, the Recording Device was able to capture unsuspecting women totally or partially undressed or changing clothes without their knowledge and consent.

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14 CRW 3787
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defendant's residence, in his bedroom, was the manual for the Recording Device. Preliminary computer forensic examinations, and analysis of other items seized from the defendant's home, reveal numerous media storage devices consistent with the one used in the Recording Device and other items with surreptitious audio and video recording capacity. At least one additional object capable of surreptitious video recording was seized from the defendant's residence. A manual for another surreptitious video recording device (disguised as a fan) was also seized. Preliminary computer forensic examination also reveals that the defendant has been engaging in the criminal act of voyeurism with use of several devices and over a period of time. During the preliminary stage of the investigation of this case numerous individuals have reported to law enforcement officers that they believe they, also, may have been surreptitiously recorded in the changing area to the Mikvah or the Mikvah itself.

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CONCLUSION

Based on the foregoing facts and information, there is probable cause to believe that within the following list of devices and items, there is evidence of the crime of voyeurism:

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Computer-related documentation consisting of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use the computer hardware, software, or other related items.

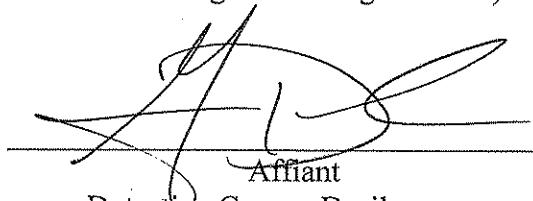
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Affiant

Detective George Desilva
Second District Detectives Office

 AVSA
United States Attorney

Subscribed and sworn to me this 23rd day of Oct 2014, 2014


Judge

Superior Court of the District of Columbia

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