

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In the Matter of the Application of

ELLIOT MADISON AND ELENA MADISON

for an order, pursuant to Rule 41(g) of the Federal
Rules of Criminal Procedure returning property unlawfully
seized from the premises

33-28 88th Street, Queens, New York, on October 1, 2009

MARTIN R. STOLAR, pursuant to 28 U.S.C. 1742, hereby declares:

1. I am the attorney for ELLIOT AND ELENA MADISON, owners of the premises 33-28 88th Street, Queens, New York, and submit this declaration in support of their motion, pursuant to F.R.Crim.P., Rule 41(g) for the return of certain property seized from their premises on October 1, 2009 pursuant to a search warrant issued by a magistrate Judge of this Court.

2. The search warrants executed at the premises and the inventories provided by the seizing agents are annexed to this declaration as Exhibit A. Upon information and belief, the search of the premises commenced at approximately 6 AM on October 1, 2009 and concluded at approximately 10 PM of the same day.

3. Upon information and belief, the seized items include political writings, notes, political associates and ideas, materials protected by the attorney-client and social work privileges, as well as property belonging to other persons residing in the premises which have no connection to any pending or contemplated criminal investigation and which constitute the

private property of such other persons.

4. Both ELLIOT AND ELENA MADISON are political activists dealing with social justice issues as well as para-legal support workers for those contemplating political action and those arrested as a result of political demonstration activity.

ELLIOT MADISON is a social worker employed for the past 10 years by Fountain House, a psych-social rehabilitation program with its principal office in Manhattan, New York. He has two Masters degrees from the University of Wisconsin, including one in Cultural Anthropology, supervises at least 15 employees of Fountain House and carries a social work caseload of approximately 108 individuals.

ELENA MADISON is an urban planner employed for the past 10 years by the Project for Public Spaces and is currently an Assistant Vice-President of the organization. She holds a Masters degree in Urban Planning from Hunter College in New York City.

5. Both of the Madisons describe themselves as political anarchists and advocate and associate with others who advocate that political philosophy as it is applied to social and political justice issues facing all Americans. They have also been involved in providing legal assistance to others interested in expressing political points of view through demonstration and other activity and include in their work providing legal assistance to those who may be arrested at political demonstrations. This work is accomplished through a confederation known as "The Peoples' Law Collective."

6. Among the items seized from the premises are: (1) computers, cellphones and notes and documents containing the name and other identifying information of political associates of the Madisons', associations which are protected by the First Amendment to the Constitution of the United States; (2) records of social work clients of Mr. Madison which are

confidential; (3) anarchist literature and books, including writings of fiction and non-fiction authored by Mr. Madison; (4) property of other residents of the premises including a confidential U.S. Government computer in the custody of resident Jennifer Sobeleski which contains confidential information for a study funded by the U.S. Department of Health, computers, cameras, discs and tapes of filmmakers and residents Jamie and Irina Weiss, and business records and materials of resident Michael Wallschlager relevant to his delivery business and his radio talk show entitled "This Week in Radical History."

7. The search conducted by the agents lasted approximately 16 hours and swept up a number of documents and other properties having nothing to do with the governments investigation into what the search warrant characterizes as violations of "federal rioting laws". This application seeks a protective order prohibiting the indexing, analysis or examination of the seized materials and the appointment of a special master to review the seized materials to separate out that which is protected by the First Amendment, applicable privileges and irrelevance to the government's investigation and turn over to the investigating agents only those materials which are deemed to have evidentiary value. The illegality of the search is in the overbreadth of the seizures and the vagueness of the term "federal rioting laws".

8. ELLIOT MADISON was arrested by Pennsylvania State Police on September 24, 2009 in the suburbs of Pittsburgh, PA on September in connection with the police response to individuals and organizations protesting governmental policies at the recent G-20 meeting in Pittsburgh.


A copy of the criminal complaint covering that arrest is annexed as Exhibit B and includes the unusual charges of "hindering prosecution" by using computers and cellphones to communicate with demonstrators at the G-20 meetings.

9. Irreparable harm is likely to come if this order is not granted by allowing law enforcement to rummage through First Amendment protected materials as well as privileged materials. Materials containing political associates as well as their identifying information is also protected, as much as the membership lists of NAACP v. Button were.

10. No prior application for the relief requested in this application has been made to this or any other Court.

WHEREFORE, your declarant requests that the relief requested in the Order to Show Cause be granted.

Dated: New York, NY
October 2, 2009


Martin R. Stolar

sw.frm (Rev. EDNY 1996) Search Warrant

United States District Court

EASTERN

DISTRICT OF

NEW YORK

In the Matter of the Search of

THE PREMISES KNOWN AND DESCRIBED AS

3328 88TH STREET, QUEENS, NEW YORK AND ANY CLOSED CONTAINERS AND CLOSED ITEMS CONTAINED THEREIN, including the residential dwelling and computer or computer storage media located therein,

SEARCH WARRANT

CASE NUMBER:

M-09-962

TO: FBI SPECIAL AGENT EDWARD J. HESLIN and any Authorized Officer of the United States

Affidavit(s) having been made before me by FBI SPECIAL AGENT EDWARD J. HESLIN who has reason to believe that

[] on the person of [x] on the premises known as

3328 88TH STREET, NEW YORK AND ANY CLOSED CONTAINERS AND CLOSED ITEMS CONTAINED THEREIN, including the residential dwelling and computer or computer storage media located therein,

(The PREMISES is a two-story attached house, with a red brick face. The front door of the house is brown, with the numbers "3328" attached to it in black metal. A wood, shingled awning is above the door. There is a rectangular flag hanging from the awning, divided in half diagonally, with one half black and the other red.)

in the EASTERN District of NEW YORK there is now concealed a certain person or property, namely (describe the person or property) SEE ATTACHMENT A

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before October 6, 2009 Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search in the daytime - 6:00 A.M. to 10:00 P.M. and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to DUTY MAGISTRATE As required by law. United States Judge or Magistrate

September 26, 2009 7:25 pm

Date and Time Issued Honorable Viktor V. Pohorelsky, Magistrate Judge, EDNY

Name and Title of Judicial Officer

at Brooklyn, New York

City and State [Signature]

Signature of Judicial Officer

RIDER A

PROPERTY TO BE SEIZED AT PREMISES KNOWN AND DESCRIBED AS 3328
88TH STREET, QUEENS, NEW YORK AND ALL LOCKED OR CLOSED CONTAINERS
THEREIN:

Computers, hard-drives, floppy discs and other media used to store computer-accessible information, cellular phones, personal digital assistants, electronic storage devices and related peripherals, black masks and clothing, maps, correspondence and other documents, financial records, notes, ledgers, receipts, papers, photographs, telephone and address books, identification documents, indicia of residency and other documents and records that constitute evidence of the commission of rioting crimes or that are designed or intended as a means of violating the federal rioting laws, including any of the above items that are maintained within other closed or locked containers, including safes and other containers that may be further secured by key locks (or combination locks) of various kinds.

sw. frm (Rev. EDNY 1996) Search Warrant

United States District Court

EASTERN

DISTRICT OF

NEW YORK

In the Matter of the Search of

THE PREMISES KNOWN AND DESCRIBED AS

PROPERTY TO BE SEIZED AT THE ENTIRE PREMISES KNOWN AND DESCRIBED AS 3328 88TH STREET, QUEENS, NEW YORK, INCLUDING THE GARAGE, GREENHOUSE AND RESIDENTIAL DWELLING AND COMPUTER AND ALL LOCKED OR CLOSED CONTAINERS THEREIN,

SEARCH WARRANT

CASE NUMBER:

M-09-982

TO: FBI SPECIAL AGENT VANESSA TIBBITS

and any Authorized Officer of the United States

Affidavit(s) having been made before me by

FBI SPECIAL AGENT VANESSA TIBBITS

who has reason to

Affiant

believe that

on the person of

on the premises known as

THE ENTIRE PREMISES KNOWN AND DESCRIBED AS 3328 88TH STREET, QUEENS, NEW YORK, INCLUDING THE GARAGE, GREENHOUSE AND RESIDENTIAL DWELLING AND COMPUTER AND ALL LOCKED OR CLOSED CONTAINERS THEREIN,

(The PREMISES is a two-story attached house, with a red brick face. The front door of the house is brown, with the numbers "3328" attached to it in black metal. A wood, shingled awning is above the door. There is a rectangular flag hanging from the awning, divided in half diagonally, with one half black and the other red. This flag is commonly used by anarchists. As noted above, the garage and greenhouse are located behind the two-story house at 3328 88th Street, and a trash can attached to the garage is marked "3328.")

in the EASTERN District of NEW YORK there is now concealed a certain person or property, namely (describe the person or property) SEE ATTACHMENT A

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before October 11, 2009

Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search in the daytime - 6:00 A.M. to 10:00 P.M. and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to DUTY MAGISTRATE As required by law.
 United States Judge or Magistrate

October 1, 2009

3:20 pm

Date and Time Issued

Honorable Viktor V. Pohorelsky, Magistrate Judge, EDNY

Name and Title of Judicial Officer

at

Brooklyn, New York

City and State

Signature of Judicial Officer

RIDER A

PROPERTY TO BE SEIZED AT THE ENTIRE PREMISES KNOWN AND DESCRIBED AS 3328 88TH STREET, QUEENS, NEW YORK, INCLUDING THE GARAGE, GREENHOUSE AND RESIDENTIAL DWELLING AND COMPUTER AND ALL LOCKED OR CLOSED CONTAINERS THEREIN:

Computers, hard-drives, floppy discs and other media used to store computer-accessible information, cellular phones, personal digital assistants, electronic storage devices and related peripherals, black masks and clothing, hammers, pipes and other rioting tools, maps, correspondence and other documents, financial records, notes, ledgers, receipts, papers, photographs, telephone and address books, identification documents, indicia of residency and other documents and records that constitute evidence of the commission of rioting crimes or that are designed or intended as a means of violating the federal rioting laws, including any of the above items that are maintained within other closed or locked containers, including safes and other containers that may be further secured by key locks (or combination locks) of various kinds.

~~ROOMS~~

- room b - kittie
- room m - main basement
- room I - living room
- room N - Jamie + Irina
- room C - M. Wall schlager
- room E - Elliott + Elena
- room L - office
- room K - kitchen
- room J - hallway / bathroom
downstairs
- room B - upstairs bathroom
- room O - laundry room / work area

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 2106H-NY-301000

On (date) 10-01-2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) 33-28 88TH ST.

(City) JACKSON HEIGHTS, NY

Description of Item(s): 10. Propaglets, booklets, book, picture of Lenin, picture of Marx, pins, disposable camera from room 0 and room 0.

QMM 10/1/09

Received By: SA James M. M... (Signature)

Received From: Jennifer ... (Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 266H-NY-301000

On (date) 10/1/2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) 33-28 88th St

(City) Tuckahoe Heights, NY

Description of Item(s):

- Ten (10) floppy disks from Room C
- Sony 4GB Memory Stick for Digital Sony Cyber-shot Digital Camera from Room G
- San Disk, 256 MB SD card from Konica Minolta Digital Camera from Room E
- Lexar 256 MB SD card from HP Photosmart Digital Camera from Room C
- Panasonic 1GB SD card from Panasonic Lumix Digital Camera from Room E

(Handwritten notes and stamps, partially obscured by a diagonal line)

Received By: SA James M. Albee
(Signature)

Received From: Jennifer Szolowster
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 206 H-NY-30100

On (date) 10-01-09

item(s) listed below were:

- Received From
- Returned To
- Released To
- Seized

(Name) N

(Street Address) 33-28 88th Street

(City) Jackson Heights NY

Description of Item(s):

one original notebook
one CD

[Handwritten initials]

Received By: SA James M. MIB
(Signature)

Received From: Jennifer Schneider
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # _____

On (date) 10/01/09

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Room B

(Street Address) 33-28 88th Street,

(City) Jackson Heights, Queens, NY

Description of Item(s): Newspapers, pamphlet

[A large diagonal line is drawn across the middle of the page, crossing out the remaining description lines. The date "10/1/09" is written vertically along this line.]

Received By: SA James M. MCB
(Signature)

Received From: Jennifer Schuster
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

ROOM N

File # 206H - NY-301600

On (date) 10-1-2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) 3378 88th Street

(City) Brooklyn Heights NY

Description of Item(s) 1) Apple Mac A186 S/N: C88B25N3XYL

2) SAMSUNG SGH T429 phone S/N RPA0450544V

3) Fujifilm Fine Pix F50d digital camera S/N 7DA18367

4) Lacie Design by FA Porsche external hard drive S/N N/A

5) White Memorex thumbdrive

6) Pink loglike memorex thumbdrive

7) 20 GB. Pen drive S/N = Q60211T5329

8) Cyber shot camera S/N N/A

9) Canon G10 Digital CAMERA S/N 7228110007 includes memory card

10) 6 technology 500GB external drive S/N W006110111

11) Apple Mac Book Pro S/N YD7080Y11W03

12) 6 Drive Super 500GB External Hard Drive S/N C-ME05148211111

13) 2 Brown Paper bags filled w/ random CD/DVD'S

14) Sony ERASIGHT MSAC M7 memo / stick S/N N/A

[Handwritten signature]
10/1/09

Received By: [Signature]
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # _____

On (date) 10/1/09

item(s) listed below were:

- Received From
- Returned To
- Released To
- Seized

(Name) Room N

(Street Address) 33-28 70th St

(City) Jackson Heights Queens

Description of Item(s): Notebooks

[A large diagonal line is drawn across the middle of the page, crossing out the remaining lines for item description.]

[Handwritten signature and date: JMM 10/1/09]

Received By: S. J. M. M. B.
(Signature)

Received From: J. R. S. Lawski
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # _____

On (date) 10/1/2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) 33-28 85th St

(City) Jackson Heights, NY

- Description of Item(s):
- One (1) Toshiba Qosmio laptop, s/n 500221154, from Room C.
 - One (1) Rosewill External HDD, s/n 1718218003700300, from Room C.
 - Two (2) PNY Attached 1 GB Thumbdrives from Room C.
 - One (1) Green + Red Samsung cell phone w/power card from Room E.
 - Four (4) CD/DVDs from Room C.
 - One (1) Grey + Green Samsung T-Mobile cell phone w/power card from Room E.
 - Two (2) 3.5" Floppy Disks from Room E.
 - One (1) Mac Power Book G4 laptop, s/n V7352346 NBY - Room E.
 - One (1) LG Verizon cell phone w/power card from Room E.
 - One (1) Micro SD card 2 GB from Room C.
 - One (1) Cruzer 2 GB Thumb Drive from Room C.
 - One (1) Casio Digital Diary SF-3700A from Room E.
 - Four (4) CD/DVDs from Room E.

75 of the following

Received By: SAG [Signature]
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 266H-NY-30100W

On (date) 10/1/2009

item(s) listed below were:

- Received From
- Returned To
- Released To
- Seized

(Name) _____

(Street Address) 33-28 88th Street

(City) Jackson Heights, NY

Description of Item(s): ~~(1) Nokia T-Mobile cellphone model 1267 no s/n from Room M~~

~~(2) Sandisk 2GB card Inside a Nikon D40 camera from Room M~~

✓ (3) Sony 64MB memory stick from Room L

✓ (4) Sandisk Sansa black MP3 player from room L

✓ (5) Yahoo USB drive from room L.

~~(6) CDW-G Bonzai 115S drive (FNU)~~

✓ (6) SimpleTech 32MB SD card from Room L

✓ (7) Maxtor 80 GB personal storage 3R44 external hard drive s/n Y29MLMEC from Room L

✓ (8) Loose CD/DVDs from Room L.

✓ (9) Kijocera Virgin Mobile cellphone F84K44 24118268 from Room L

✓ (10) Motorola at&t cellphone SJUG3464DA from Room L (with charges)

✓ (11) IBM Thinkpad T60 SN: L3:32BR2 from Room - T

~~(12) Apple iMac G4 s/n X82334N2DEN from Garage~~

✓ (13) Nokia T-Mobile cellphone model 6133 no s/n from Room L

✓ (14) Siemens AT&T cellphone model A56i from Room L No s/n

✓ (15) Motorola i730 cellphone s/n 364VEJ348B from Room L

Received By: SA [Signature]
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 26611-NY-301000

On (date) 10/1/2009

- Received From
- Returned To
- Released To
- Seized

(Name) Room I

(Street Address) 33-28 88th street

(City) Jackson Heights, Queens

Description of Item(s):

- 1 Sansa MP3 player.
- 1 Coby MP3 player
- 1 SANSA Rhapsody MP3 player
- (ITEM # 10)
- 1 HP Laptop

[A large diagonal line is drawn across the page, with a signature and date written over it.]

10/1/09

[Signature]

Received By: Sargent M. MBE
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 2664-NY-301000

On (date) 10/1/09

item(s) listed below were:

- Received From
- Returned To
- Released To
- Seized

(Name) L

(Street Address) 33-28 88th Street

(City) Jackson Heights, Queens, NY

Description of Item(s): 8 x 3.5" computer disks

68 x DVD/CD Disks

External hard drive #1111

Documents, newspapers, posters

books, wireless garage toys, audio cassettes

Books, notebooks, day planners,

maps, documents, newspapers.

Note book, documents

[Handwritten signature and date 10/1/09 crossed out with a diagonal line]

Received By: SA Janel M. MB-
(Signature)

Received From: Jennifer Schuster
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 26611-NY-301000

On (date) 10/1/2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) ROOM J, K, OUTSIDE FRONT, ROOM H
 (Street Address) 33-28 88th St.
 (City) JACKSON Hghts, Queens

Description of Item(s): ROOM J: POSTERS FROM DOORS: CURTAIN
GEORGE, SPIRIT OF 36, DANIEL MCBOWAN
ROOM K: 2 POSTERS
1 CAT POSTER, MAGNETS, FLYERS
PHOTOS, KODAK DISPOSABLE CAMERA
NEW MEXICO LICENSE PLATE
"195 NSD"
~~JAMES PAPERS~~ DOCUMENTS:
 - HOME DEPOT RECEIPT
 - T MOBIL BILL
 - BICYCLE BOMBOR PULLER
 - OTHER PAPERS
OUTSIDE FRONT. - "DON'T LET HIM IN"
FLAT.
ROOM H.
DOCUMENT - "DON'T LET HIM IN"

[Handwritten signature]
10/1/09

Received By: SA James MCB
 (Signature)

Received From: [Signature]
 (Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # _____

On (date) 10/01/2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) 33-28 88 STREET Jackson Heights, NY (Queens)

(City) Jackson Heights (Queens) NY

Description of Item(s): One (1) glass container with unknown grey colored substance wrapped in brown paper napkins with a rubber band. One (1) glass container with unknown grey colored substance. One (1) box with corked glass vials.

WJA 10/01/2009

Room L

Received By: SA James M. MCB
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 2006H-NY-30100

On (date) 10/11/2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) E

(Street Address) 35-28 28th Street

(City) Queens NY

Description of Item(s): Room E: Notebooks, Business Cards, Guides, Maps, Maps, Photos, documents, passports, Real U.S. Mail, Worn clothing, Camera, Camera Film

Room (E)

10/11/09

(Signature)

Received By: [Signature]
(Signature)

Received From: Jennifer Scholander
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 266H-NY-301200

On (date) 10/01/09

- Received From
- Returned To
- Released To
- Seized

(Name) Roman C

(Street Address) 33-28 88th Street, Jackson Heights, NY

(City) Queens, NY

Roman C

Description of Item(s): Flags, posters, documents, Ninja call tips, photographs
of the back of registered used checks, cancelled U.S. passports,
(1) box of 50 rounds of ammunition (22 caliber), walkie talkies and
Voice recorders

10/1/09

Received By: [Signature]
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 2009M-NY-501100

On (date) 10-01-2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) 73-29 98TH ST.

(City) JACKSON HEIGHTS NY

THE FOLLOWING ITEMS ARE FROM REPT. M:

- Description of Item(s):
- 1) Several black cloth gloves with white lining
 - 2) Stamps, photos, misc items
 - 3) Anarchy books
 - 4) Anarchy books
 - 5) First aid kit, tapes, booklets, newspapers, misc. items
 - 6) Posters, three first aid kits, notebooks, scripts, calendar
 - 7) Books, newspapers, drawings, booklets, agendas

RAM
10/1/09

Received By: SA James M. M43
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 266H NY-36100

On (date) 10/11/09

item(s) listed below were:

- Received From
- Returned To
- Released To
- Seized

(Name) N

(Street Address) 33-28 84th Street Jackson Hts, Queens, NY

(City) Queens

Description of Item(s):

digital
digital
books
books
books
books

~~Signature~~ 10/11/09

Received By: [Signature]
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 266H-NY-301000

On (date) 10/1/2009

item(s) listed below were:

- Received From
- Returned To
- Released To
- Seized

(Name) Room I

(Street Address) 33-28 88th St.

(City) Jackson Hight, Queens

Description of Item(s): Paperwork, Notebooks, handwritten documents, DIRECT ACTION BOOK, NF-7 BROWLAW BOOK, lock-picking tools (2), HAM RADIO, 41 VHS tapes, 9 discs, 1 cassette tapes, 7-1 discs

[Handwritten signature]
10/1/09

Received By: SAG James M. MBS
(Signature)

Received From: [Signature]
(Signature)

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized**

File # 266H - NY - 301000On (date) 10/1/2009

item(s) listed below were:
 Received From
 Returned To
 Released To
 Seized

(Name) _____

(Street Address) 33-28 88th street(City) Jackson Heights, NYDescription of Item(s): ① Dell desktop computer s/n 98Y5341 from Room M.② Lenovo laptop computer s/n L3-C5P8X from Room M③ Dell laptop computer s/n 31V DNF1 from Room M④ Trekstor external hard drive s/n 060968277 from Room M⑤ Maxtor 120 GB external hard drive s/n 2HAP2YWZ⑥ Trekstor blue USB drive from Room M⑦ Sandisk cruiser 4 GB USB drive from Room M⑧ Sandisk cruiser 16 GB USB drive from Room M⑨ Sandisk + GB SDHC card from Room M~~⑩ Sandisk 4 GB Ultra II SDHC card from Room M~~~~⑪ Hanna blue USB drive s/n 1482260800 from Room M (w/w)~~⑫ Odys 2GB black MP3 player from Room M⑬ Motorola i294 cellphone boostmobile from Room M (with charger) s/n 364666 021201⑭ White iPhone with girl picture on the back from Room M (with charger)⑮ Samsung Vodafone cellphone s/n R2TY920908M from Room M.⑯ Panasonic digital camera DMC-LX3 s/n Fk8LAA02A77 from Room M.⑰ Sandisk 2GB microSD card in a Nikon camera bag from Room M⑱ 2 Sandisk 2GB Ultra II SD cards in Nikon camera bag from Room M.⑲ Kingston 1GB SD card in Nikon camera bag from Room M.~~⑳ Nikon 140X digital camera with 2GB sandisk SD card inside from Room M~~Received By: J. M. M. M. M. M.
(Signature)Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 266H-NY-301000

On (date) 10/1/09

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) 33-28 88th St.

(City) Jackson Heights, NY

Description of Item(s): 1) Sandisk 2 GB Ultra II SD card from Room M.
2) Nokia cell phone Model 1208 no ch with charger from Room M.

JMM
10/1/09

Received By: AJankin McBain
(Signature)

Received From: Jennifer Schuster
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 1004 NY 101100

On (date) 10-01-2009

item(s) listed below were:

- Received From
- Returned To
- Released To
- Seized

(Name) _____

(Street Address) 33-25 134th St

(City) TUCKERSON HEIGHTS, NY

THE FOLLOWING ITEMS ARE FROM ROOM M1 -

Description of Item(s): ① Newspapers and booklets

② Newspapers and booklets

③ DVDs, newspapers, pamphlets, booklets

④ Newspapers and booklets

⑤ Boxes, booklets, newspapers, pins, silver tape pouch

⑥ Two first aid kits, color tapes, black papers (plastic tape),

Michigan vehicle plates [Room M1 - upstairs]

⑦ Orange colored bandana

[Handwritten signature and date: JMM 10/1/09]

Received By: SA Daniel M. MUBER
(Signature)

Received From: Jennifer [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 2009-NY-301000

On (date) 10/01/09

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) Room G

(Street Address) 33-28 88th Street, Jackson Heights

(City) Queens, NY

Description of Item(s): Green Folder w/ documents, coin spray can, bag w/ food & medical supplies, notebooks, assorted documents, anarchist literature, Red Panda w/ white paint, walkie talkie, Nikon camera + taken in room, clear thermos w/ camera with film

10/1/09
[Signature]

Received By: [Signature]
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # _____

On (date) 10/01/2009

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) _____

(Street Address) 33 28 88th St

(City) Jackson Heights, NY

Carap

Description of Item(s): _____

11 Gas masks

5 Separate air filters

4 Arm pads

9 Leg pads

5 Goggles

1 Slingshot

8 Facemasks

6 bottles

1 plastic container in black duffel bag

Documents / pamphlets / notebooks

Philips digital device

15 Filters

2 masks

1 container holding filter & mask

6 Test tubes

5 droppers

3 beakers

1 funnel

1 mortar & pestle

Received By: Sgt. Daniel M. MUBEN
(Signature)

Received From: [Signature]
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # _____

On (date) 10/01/2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) 33-28 88th St

(City) Jackson Heights, NY

Garage

Description of Item(s): _____

- 1 brush
- 1 silver instrument
- 1 test tube stand

[Large diagonal line across the page]

[Handwritten signature: JMM]

[Handwritten date: 10/1/09]

Received By: S. J. MURPHY
(Signature)

Received From: Jennifer Schuster
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 266H-NY-201000

On (date) October 1, 2009

- item(s) listed below were:
- Received From
 - Returned To
 - Released To
 - Seized

(Name) _____

(Street Address) 33-28 88th Street

(City) Jackson Heights, NY


Clery

Description of Item(s): 1 Mac 2G s/n X5833UNRDFN from garage

DM 10/1/09

Received By: SA Gerald M. MB
(Signature)

Received From: Jennifer Schuster
(Signature)

COMMONWEALTH OF PENNSYLVANIA COUNTY OF: ALLEGHENY				DEFENDANT POLICE CRIMINAL COMPLAINT COMMONWEALTH OF PENNSYLVANIA VS.	
Magisterial District Number: 05-2-43 MDJ: Hon. CARLA M SWEARINGEN Address: 5624 STEUBENVILLE PIKE MCKEES ROCKS, PA 15136		DEFENDANT: <u>ELLIOT</u> First Name		(NAME and ADDRESS): <u>MAC</u> Middle Name	
Phone: 412.787.5000		<u>MADISON</u> Last Name		<u>3328 88TH ST JACKSON HEIGHTS, NY 11372</u> Gen.	

NOIC Extradition Code Type _____
Distance: _____

DEFENDANT IDENTIFICATION INFORMATION					
RACE WHITE	ETHNICITY	Packet Number <u>CR-377-09</u>	DOB Filed <u>9/24</u>	OTN/LiveScan Number G 478007-5	Complaint/Incident Number B03-1728049
SID:	GENDER MALE	DOB 11/30/1967	POB	SSN 389-92-9667	Add'l SSN
Request Lab Services? <input type="checkbox"/> Yes	AKA	First Name	Middle Name	Last Name	Gen
HAIR COLOR BRO (BROWN)			EYE COLOR GRN (GREEN)		
Driver License	State NY	License Number 175409861	Expires:	WEIGHT (lbs.) 140	
DNA	DNA Location			Ft. HEIGHT In. 6 00	
FBI Number	MNU Number				
Fingerprint Classification:					

DEFENDANT VEHICLE INFORMATION						
Plate #	State	Hazmat	Registration Sticker (MM/YY)	Comm'l Veh. Ind.	School Veh.	Oth. NCIC Veh. Code
VIN	Year	Make	Model	Style	Color	

Office of the attorney for the Commonwealth Approved Disapproved because: _____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

(Name of the attorney for the Commonwealth) _____ (Signature of the attorney for the Commonwealth) _____ (Date) _____

I, <u>TPR MARK YAKICIC</u> (Name of the Affiant)	<u>046659</u> (PSP/MPOETC -Assigned Affiant ID Number & Badge #)
of <u>PSP PITTSBURGH</u> (Identify Department or Agency Represented and Political Subdivision)	<u>PAPSP1100</u> (Police Agency ORI Number)

do hereby state: (check appropriate box)

1. I accuse the above named defendant who lives at the address set forth above
I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have, therefore, designated as John Doe or Jane Doe
with violating the penal laws of the Commonwealth of Pennsylvania at 115 ROBINSON TWP
(Subdivision Code) (Place-Political Subdivision)

In Allegheny County 02 on or about 09/24/2009 15:25
(County Code)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number G 478007-5	Complaint/Incident Number B03-1728049
Defendant Name	First: ELLIOT	Middle: MAC	Last: MADISON

1. Your affiant is Trooper Mark YAKICIC, a investigative or law enforcement officer of the Commonwealth of Pennsylvania and United States within the meaning of section 5702 of the Pennsylvania Crimes Code and Section 2510(7) of Title 18, United States Code, as such, and am empowered by law to conduct investigations and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

I have been a member of the Pennsylvania State Police for in excess of twenty two (22) years. During this time, I have worked in the patrol function and as a plain clothes criminal investigator. I am currently assigned to the Bureau of Criminal Investigations, Special Investigations Unit - West. On 09-24-09, the Pennsylvania State Police

2. On 09-24-09 Tpr. Glen Hopey & Cpt Greg Kravitsky, acting on information received Re. criminal activity related to the Pittsburgh G20 Summit protests, obtained and served a search warrant on the at room 238, Carefree Inn, 100 Kisow Drive, Pittsburgh, PA 15205, which was described as a 2-story commercial L-shaped building, white stucco exterior, red and brown shingle roof with brown colored motel room doors.

3. As a result of this search, the defendant and his co-conspirator, Michael Thomas Wallschlaeger, were discovered within the said room. Both were observed seated in front of personal computers and telecommunication equipment, wearing headphones and microphones, with various maps, contact numbers and police and EMS scanners. It was further observed that they had been communicating with various protestors, and protest groups, both by use of cellular communications equipment and internet based communications, more commonly known as "Twitter". The observed "Twitter" communications were noted to be relevant to the direction of the movement of protestors, and protest groups, in order to avoid apprehension, and to inform the protestors and groups of the movements and actions of law enforcement in response to the actions of those protestors and protest groups.

4. Initial computer forensics examination of the computer equipment verifies the aforementioned information. The aforementioned information confirms the use of the aforementioned equipment by the defendant, and Wallschlaeger, as other than its' normal, lawfully intended use, as well as for that of the directions of others in avoidance of apprehension for criminal acts committed during protest(s) of the G20 Summit.

I, TPR. MARK YAKICIC, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

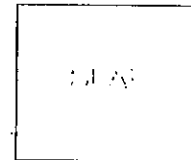
[Handwritten Signature]

(Signature of Affiant)

Sworn to me and subscribed before me this 27th day of SEPT, 2009

Date *[Handwritten Signature]*, Magisterial District Judge

My commission expires first Monday of January,





POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number G 478007-5	Complaint/Incident Number B03-1728049
Defendant Name	First: ELLIOT	Middle: MAC	Last: MADISON

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate:
 (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A	
X	1	5105	A2	of the	18	1	F3	
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		
Statute Description/Acts of the accused associated with this Offense:								
<p>18 5105A2 HINDERING APPREHENSION OR PROSECUTION F3 1 COUNT</p> <p>The actor with intent to hinder the apprehension, prosecution, conviction or punishment of another for crime or violation of the terms of probation, parole, intermediate punishment or Accelerated Rehabilitative Disposition, provided or aided in providing a means of avoiding apprehension or effecting escape of another, namely, PROTESTORS OF THE G20 SUMMIT that is to say THE DEFENDANT DID USE A TELECOMMUNICATIONS FACILITY FOR THE PURPOSE OF DIRECTING/ REDIRECTING OTHERS IN ORDER TO AVOID APPREHENSION BY POLICE AFTER A LAWFUL ORDER TO DISPERSE in violation of 18 Pa. C.S. §5105(a)(2).</p>								

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A	
	2	7512	A	of the	18	1	F3	
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		
Statute Description/Acts of the accused associated with this Offense:								
<p>18 7512A CRIMINAL USE OF COMMUNICATION FACILITY F3 1 COUNT</p> <p>The actor used a communication facility to commit, cause, or facilitate the commission or the attempted commission of a crime constituting a felony under Title 18 of the Pennsylvania Crimes Code, or a felony under the Controlled Substance Drug Device and Cosmetic Act namely, IN THAT THE DEFENDANT DID USE TELECOMMUNICATION SYSTEMS FOR THE PURPOSE OF DIRECTING OTHERS, SPECIFICALLY PROTESTORS OF THE G20 SUMMIT, IN ORDER TO AVOID APPREHENSION AFTER A LAWFUL ORDER TO DISPERSE., in violation of 18 Pa.C.S. § 7512.</p>								

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A	
	3	907	A	of the	18	1	M1	
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		
Statute Description/Acts of the accused associated with this Offense:								
<p>18 907A POSSESSING INSTRUMENTS OF CRIME - CRIMINAL INSTRUMENTS GENERALLY M1 1 COUNT</p> <p>The actor possessed one or more Instruments of crime, namely, IN THAT THE DEFENDANT DID USE TELECOMMUNICATIONS EQUIPMENT FOR THE PURPOSE OF REDIRECTING THE ACTIONS OF OTHERS, SPECIFICALLY PROTESTORS OF THE G20 SUMMIT, IN ORDER TO AVOID THEIR APPREHENSION AFTER A LAWFUL ORDER TO DISPESE with intent to employ it or them criminally, in violation of 18 Pa. C.S. §907(a).</p>								



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/iveScan Number G 478007-5	Complaint/Incident Number B03-1728049
Defendant Name	First: ELLIOT	Middle: MAC	Last: MADISON

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA.C.S. §4904) relating to unsworn falsification to authorities.
- This complaint is comprised of the preceding Page, as well as the attached pages that follow, numbered _____ through _____, specifying offenses and Participants, if any.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
 (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

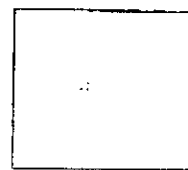
_____ 09-24-09
 (Date)

[Signature]
 (Signature of Affiant)

AND NOW, on this date 9-24-09 I certify that the complaint has been properly completed and verified.
 An affidavit of probable cause must be completed before a warrant can be issued.

05-0-04
 (Magisterial District Court Number)

[Signature]
 (Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/ LiveScan Number G 478007-6	Complaint/Incident Number B03-1728049
Defendant Name	First: ELLIOT	Middle: MAC	Last: MADISON

AFFIDAVIT of PROBABLE CAUSE

1. WHEN:

a) Date when Affiant received information:

09/24/2009

b) Date when the source of information (Police Officers, Informant, Victim, Co-Defendant, Defendant, etc.) received information:

09/24/2009

2. HOW:

a) How Affiant knows this particular person committed crime: (personal observation, defendant's admissions, etc.):

Observation of Tpr. Glen Hopey, Glenn Bard & Cpl. Greg Kravitsky.

b) How the source of information knows this particular person committed the crime:

Observation of Tpr. Glen Hopey, Glenn Bard & Cpl. Greg Kravitsky, resultant of a search warrant.

c) How both Affiant and/or source of information knows that a particular crime has been committed:

Observation of Tpr. Glen Hopey, Glenn Bard & Cpl. Greg Kravitsky, resultant of a search warrant.

3. WHAT CRIMES:

18 5105 A2 HINDERING APPREHENSION OR PROSECUTION

18 7512 A CRIMINAL USE OF COMMUNICATION FACILITY

18 907 A POSSESSING INSTRUMENTS OF CRIME - CRIMINAL INSTRUMENTS GENERALLY

4. WHERE CRIME(S) COMMITTED:

100 KISOW DR, PITTSBURGH, PA 15205

5. WHY AFFIANT BELIEVES THE SOURCE OF INFORMATION:

Source is presumed reliable, i.e. Other Police Officer, Eyewitness, Victim of Crime, etc.

Source has given information in the past which has led to arrest and/or conviction

Defendant's reputation for criminal activity

This source made declaration against his/her penal interest to the above offense

X Affiant and/or other Police Officers corroborated details of the information