**Question 1:** Look up U.S. v. Cioffi, 2009. How did the defence successfully argue to have evidence collected during the search of the defendant’s email archives suppressed?

**Answer:** Ralph Cioffi and Matthew Tannin were charged with conspiracy, securities fraud and wire fraud in whilst they both held roles at Bear Sterns as hedge fund managers. Prosecutors were able to successfully obtain a warrant which allowed them to search Tannin’s personal Gmail account. However, the warrant never specified what evidence could be taken or what crimes the alleged evidence actually related to.

One of the e-mails which was seized by the prosecutors contained evidence in which Tannin stated that a fund he managed could “blow up”. The defendant and his team pushed to have the evidence suppressed due to that fact that it violated the 4th amendment. To support this claim, the district judge ruling over the case stated that the warrant was broad and thus violated the 4th Amendment.

Although the prosecution held an Affidavit which contained a lot of useful and relevant information, it was not attached to their warrant. As a result of this, the court denied the prosecution admission of the evidence based on either the “good faith” or “inevitable discovery” exceptions.

**Question 2:** Review the case of U.S. v. Paul V. Burdulis. In this motion to suppress, the defence attempted to have evidence suppressed on the grounds that the warrant lacked particularity and that it did not establish probable cause that the evidence described in the warrant could be found in the locations defined in the warrant. What was the outcome of that motion and what principle was cited by the judge in making his decision?

**Answer:** Paul Burdulis was convicted of possessing child pornography. The authorities found evidence of such pornography on a thumb drive in his home. Burdulis who was a known sex offender at the time was subject to sting operation by undercover police officer. The officer posed as a 13 year old child name Tye. The pair exchanged e-mails which contained messages such as: “maybe sometime you would join me in a bubble bath?”, “Is there a way to see each other for real today?” and “if we get together again maybe I could give you a present :)”.

After several days of e-mailing the police unsuspectingly, they requested and received a warrant to search the home of Burdulis. The warrant granted the authorities all digital devices in his house and to search for any information linking him to the e-mails, as well as the creation or production of child pornography. Police seized several digital devices from his home as well as the usb drive which contained several images of child pornography. Burdalis neither denied or disputed the fact that the drive was his.

In court the defence tried to dispute the conviction by stating that the usb was “produced using materials which have been …. shipped or transported”. They relied solely on an inscription on the drive which said “Made in China”. Before the trial, the judge denied Burdalis’s request to suppress the evidence. This was because the warrant was supported by probable cause. In the end he was found guilty by the jury and got 108 months or 9 years.