

UNITED STATES DISTRICT COURT

for the

Northern District of New York

IN THE MATTER OF THE SEARCH OF
 A 55,000 SQUARE FOOT BRICK BUILDING, AN
 OLYMPIAN TRAVEL TRAILER, AND A WALSH
 CONTAINER TRAILER AT 439 STATE ROUTE 37,
 HOGANSBURG, NEW YORK

Case No. 8:12-CR-569 (DNH)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Northern District of New York
(identify the person or describe the property to be searched and give its location): **See Attachment A.**

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized):* **See Attachment B.**

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before December 27, 2012

(not to exceed 10 days)☐ in the daytime 6:00 a.m. to 10 p.m.☒ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

Larry A. Kudrle*(name)*

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)* ☐ for days *(not to exceed 30)*.

☐ until, the facts justifying, the later specific date of .Date and time issued: 12/17/12 12:40 pm

*Judge's signature*City and state: Plattsburgh, New YorkUnited States Magistrate Judge*Printed name and title*

Case No.:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature

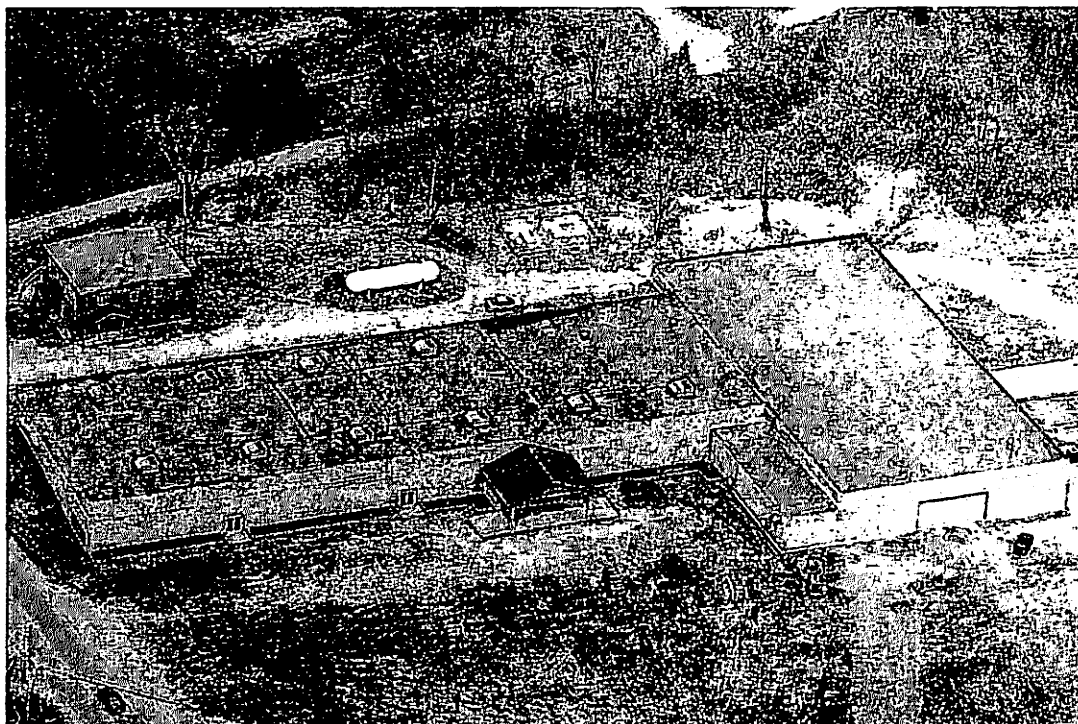
Printed name and title

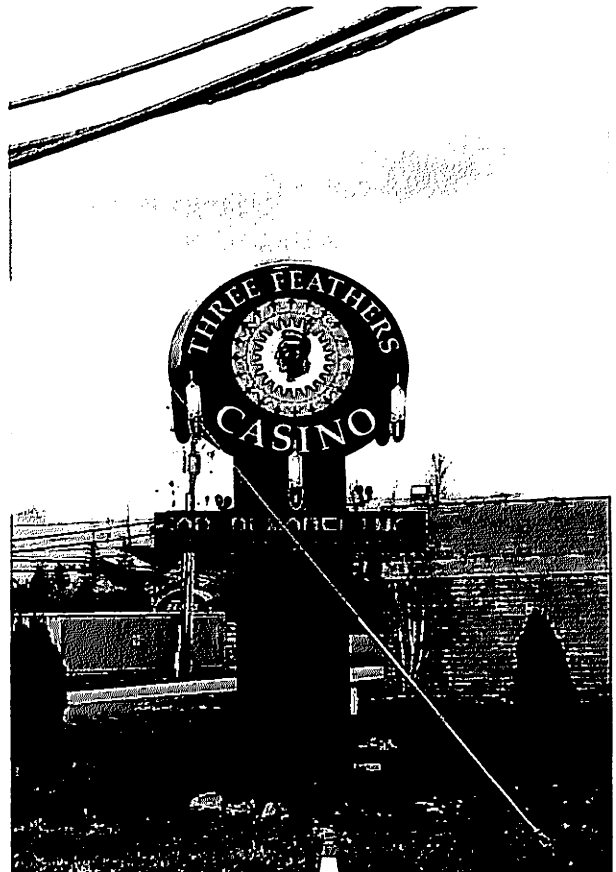
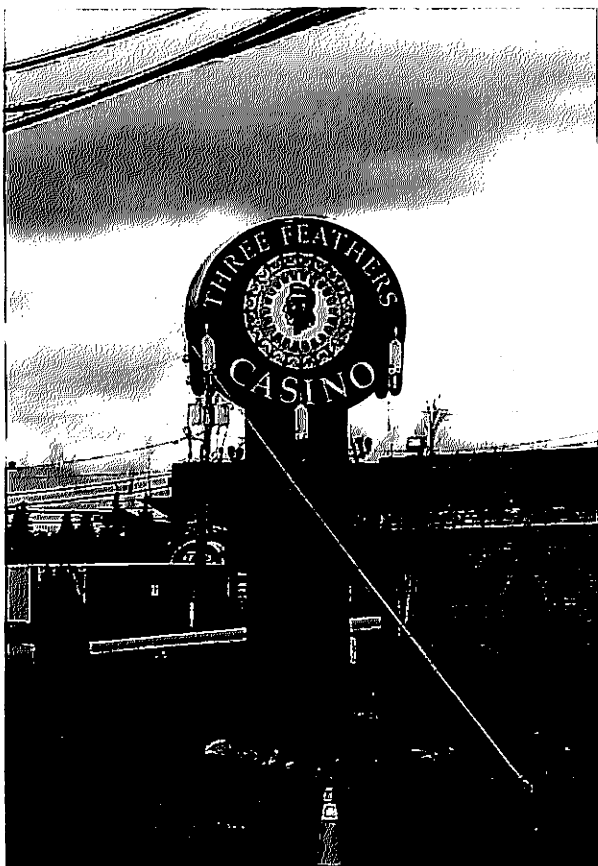
ATTACHMENT "A"**Description of premises and vehicles to be searched:**

The SUBJECT PREMISES is the larger of two buildings on a lot of approximately 10 acres in size located at 439 State Route 37 (lot 237 and 237-A), Hogansburg, New York, 13655, at the intersection of State Route 37 and McGee Road (on or near Lat. N44°58.693', Long W074°4.869'). The SUBJECT PREMISES is an approximately 55,000 square foot red-brick commercial building. It is a single story-high, located on north of State Route 37 and nearly surrounded by a large parking lot. The main entrance was built with wood, brick, cement, aluminum-framed glass doors, and a green in color shingle roof facing south towards State Route 37. The SUBJECT PREMISES has a second floor built inside the main room of the structure where some of the administrative offices are located, and is only accessible from inside the building. The building is basically divided in two (2) sections: the west section which includes the large room accessible at the main entrance; and an east section. The west section is configured as a casino divided in 2 or 3 rooms, where a bar, kitchen, bathrooms, administrative offices, an exchange point or "cage", vault, and computer room are located. The east section is a warehouse, or is warehouse-like, with loading bays that can be accessed from the south and east sections of the building. The east section may also include administrative office space. Three Feathers Casino is known to occupy the totality of the SUBJECT PREMISES. Reference: Photographs 1-4 and 7-8 below.

The SUBJECT TRAILER is an approximately 22-foot Olympian travel trailer located north of and attached to the SUBJECT PREMISES by a power cable or cord. Reference: Photograph 5 below.

The SUBJECT CONTAINER is an approximately 40-foot long Walsh commercial storage container on a trailer with two axles and four wheels ("SUBJECT CONTAINER"). Reference: Photograph 6 below.





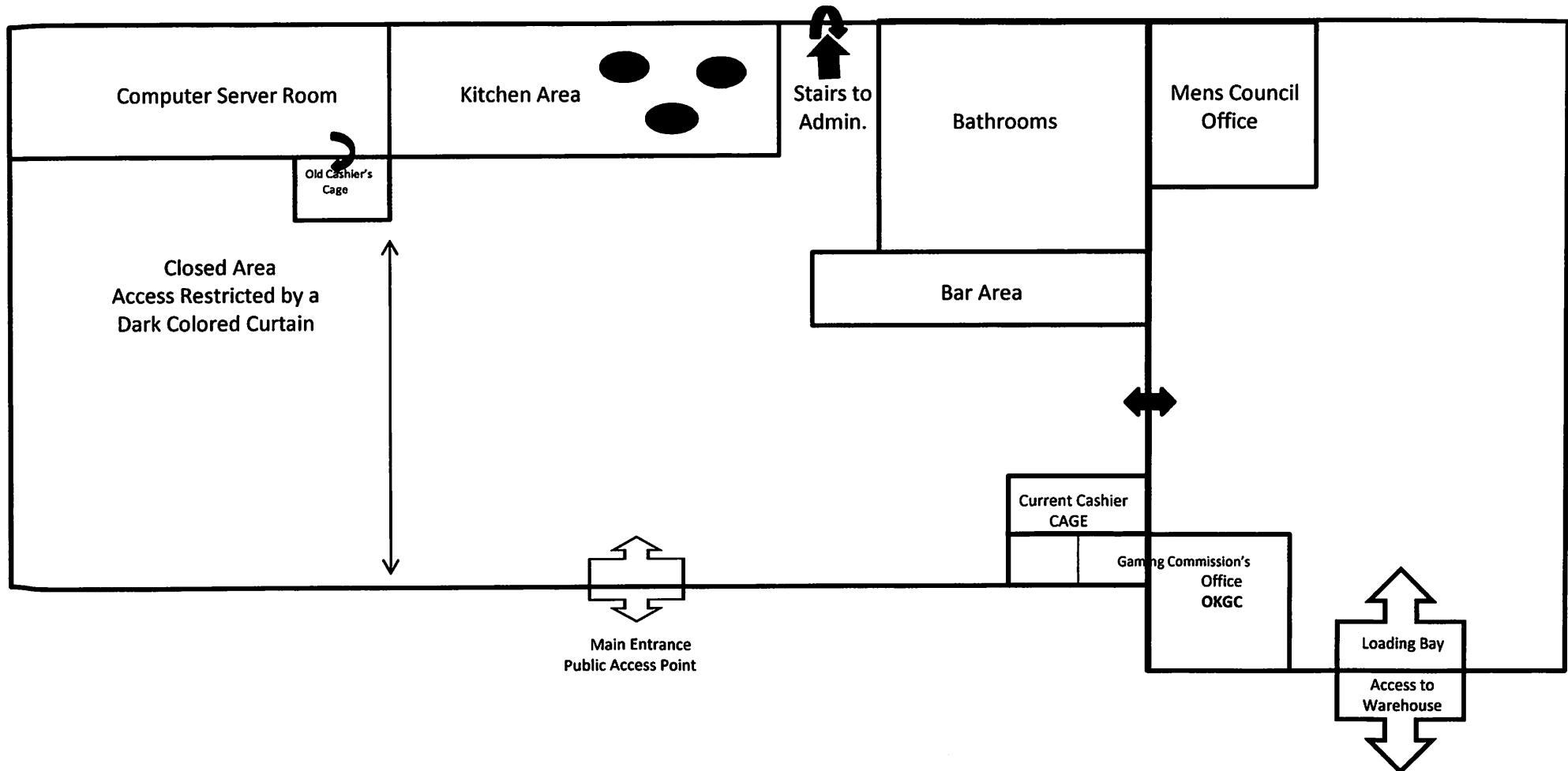
U.S. Department of Homeland Security
HOMELAND SECURITY INVESTIGATIONS
Border Enforcement Security Task Force
4 Harrowgate Commons Road, Massena, NY 13662

MZ02PS12MZ0003

THREE FEATHERS CASINO ET AL.

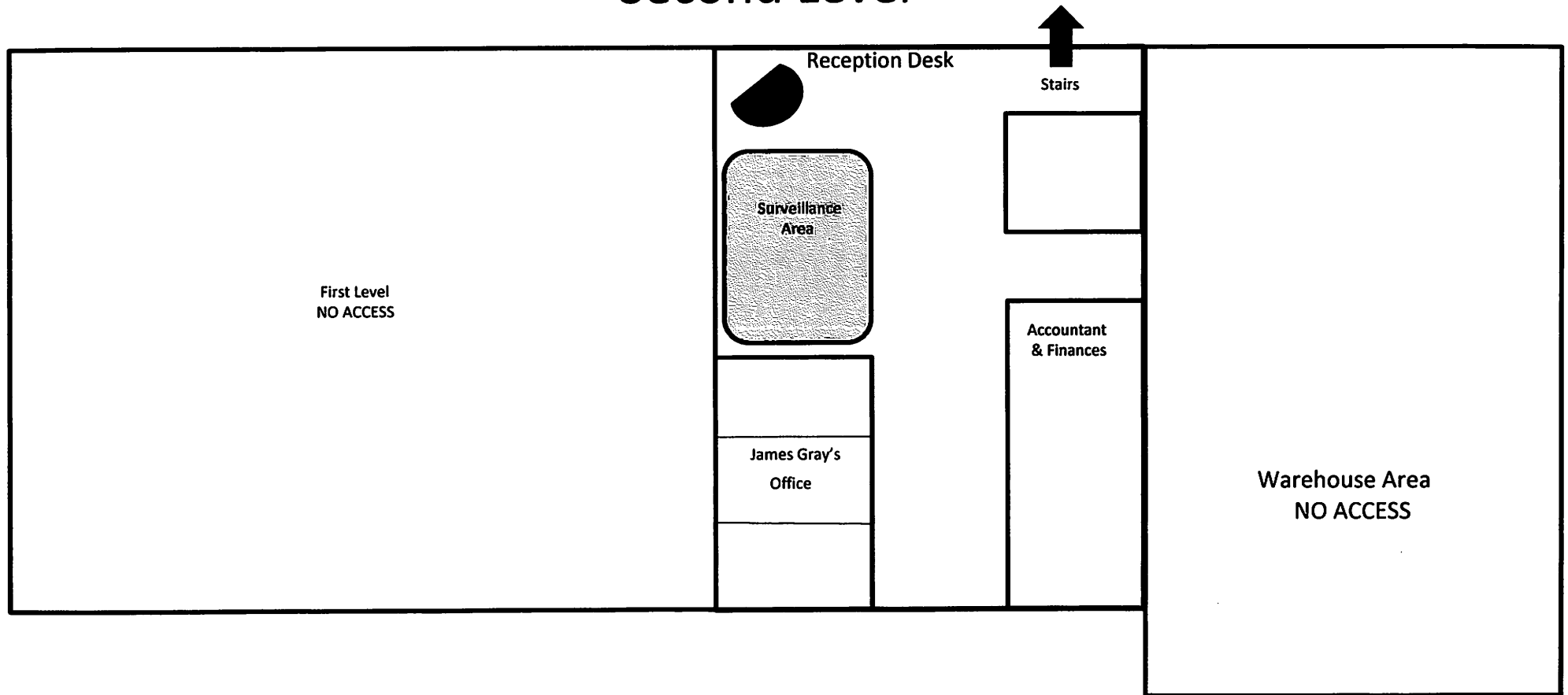
Casino Layout I

First Level / Main Gambling Area & Warehouse



U.S. Department of Homeland Security
HOMELAND SECURITY INVESTIGATIONS
Border Enforcement Security Task Force
4 Harrowgate Commons Road, Massena, NY 13662

MZ02PS12MZ0003
THREE FEATHERS CASINO ET AL.
Casino Layout II
Second Level



ATTACHMENT B

PROPERTY TO BE SEACHED AND SEIZED

Evidence of violation of conspiracy to conduct, finance, manage, supervise, direct, and own, in all or part, an illegal gambling business, in violation of 18 U.S.C. §§371 and 1955, and 15 U.S.C. §1175(a), as described below:

DOCUMENTS AND BUSINESS EQUIPMENT

1. Books, records, receipts, notes, ledgers and forms, in paper or digital format, relating to the purchase, sale, rent, offer of gaming, or operation of gambling activity.
2. Bills of lading, contracts, airway bills, delivery receipts, billings, manifests, labels, log books, invoices, and invoices for delivery services provided by Federal Express, UPS, DHL, the United States Postal Service, or other contract carrier, including trucking companies, in paper or digital format, relating to the ordering, purchasing, storing, delivery, rent, lease of gambling machines, gaming machines, gaming software, and gaming displays.
3. Financial instruments, books, records, bank statements and related records, bank drafts, cashier's checks, any currency, money orders, credit/debit card documents, and evidence of related financial transactions, in paper or digital format, and keys to safety deposit boxes.
4. Travel documents, credit/debit card receipts, airline tickets and flight itineraries, credit card bills, documents reflecting purchases of assets, personal calendars, check books, videotapes, photographs and utility records, in paper or digital format.
5. Rental/lease agreements for vehicles, storage facilities and warehouses, in paper or digital format, and any keys thereto related.
6. Combination locks and/or access codes, passbooks, and other items evidencing the acquisition, secreting, transfer, storage, concealment, and/or expenditure of money, assets, wealth, or other items of value which are used, or intended to be used, as the proceeds of, or to facilitate, the processing, storage, distribution or use of gambling devices or equipment.
7. Address books, telephone books, telephone logs and memos, cellular telephones, pagers, telephone records, pager records, date books, diaries, earning and loss files, daily sign-in sheets, employee payroll and time records, employee work schedules, and other documents reflecting and/or containing the names, addresses, telephone numbers, or other pertinent information in paper or digital format as to the identity and roles of subjects, both known and unknown, involved in the processing, ordering, storage, distribution, lease or facilitation for the use of

gaming devices and gambling machines, gambling tables, casino playing cards, casino or poker chips, and/or the proceeds of these activities, and answering machine(s).

8. Indicia of occupancy, residency, ownership, dominion or control of the premises and property described in the Search Warrant to which this is attached, including titles, deeds, mortgage statements, rental agreements, utility bills, keys, addressed envelopes, letters, and other paper or digital evidence of the above.

9. Accounting and pay/owe sheets, contracts, customer lists, tax return documents, financial records including expenses incurred from gaming and gambling activities, and income derived from gaming, gambling and entertainment activities, in paper or digital format.

10. Identification documents and documents documenting fictitious/false identities (such as drivers' licenses, DPS records, passports, immigration documents, birth certificates).

11. Safes or other locked or unlocked containers in which documents and/or gambling devices or equipment may be found.

12. Licenses, permits, letters or compacts purporting to authorize the business and activities being conducted by the Three Feathers Casino, and any application or other statement of basis for issuance of any such license.

13. Any surveillance equipment such as sensors, video cameras, or other security system devices, video and audio recording equipment.

COMPUTERS AND ELECTRONIC MEDIA, INCLUDING
ELECTRONIC COMPONENTS OF SLOT MACHINES

14. The authorization includes the search of electronic data to include deleted data, remnant data and slack space.

15. Computer and electronic hardware, meaning any and all computer equipment, including any electronic devices that are capable of collecting, analyzing, creating, displaying, converting, storing, concealing, or transmitting electronic, magnetic, optical, or similar computer impulses or data. Included within the definition of computer and electronic hardware is any data processing hardware (such as central processing units and self-contained laptop or notebook computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives, secure digital (sd) cards, and diskettes, tape drives and tapes, optical and compact disk storage devices, and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); digital cameras; related communications devices (such as modems, cables and connections, recording equipment, RAM and ROM units, acoustic couplers, automatic dialers, speed dialers,

programmable telephone dialing or signaling devices, and electronic tone generating devices); and any devices, mechanisms, or parts that can be used to restrict access to such hardware (such as physical keys and locks).

16. Computer software, meaning any and all data, information, instructions, programs, or program codes, stored in the form of electronic, magnetic, optical, or other media, which is capable of being interpreted by a computer or its related components. Computer software may also include data, data fragments, or control characters integral to the operation of computer software, such as operating systems software, applications software, utility programs, compilers, interpreters, communications software, and other programming used or intended to be used to communicate with computer components.

17. Computer-related documentation, meaning any written, recorded, printed, or electronically stored material that explains or illustrates the configuration or use of any seized computer hardware, software, or related items.

18. Computer passwords and data security devices, meaning any devices, programs, or data - whether themselves in the nature of hardware or software -- that can be used or are designed to be used to restrict access to, or to facilitate concealment of, any computer hardware, computer software, computer-related documentation, or electronic data records. Such items include, but are not limited to, data security hardware (such as encryption devices, chips, and circuit boards); passwords; data security software or information (such as test keys and encryption codes); and similar information that is required to access computer programs or data or to otherwise render programs or data into usable form.

19. Any computer or electronic records, documents, and materials referencing relating to the above-described offenses. Such records, documents, or materials, as well as their drafts or modifications, may have been created or stored in various formats, including, but not limited to, any hand-made form (such as writing or marking with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negative, video tapes, motion pictures, or photocopies); any mechanical form (such as photographic records, printing, or typing); any electrical, electronic, or magnetic form such as tape recordings, cassettes, compact discs, electronic or magnetic storage devices such as floppy diskettes, hard disks, CD-ROMs, digital video disks (DVDs), Personal Digital Assistants (PDAs), Multi Media Cards (MMCs), memory sticks, USB drives, optical disks, printer buffers, smart cards, secure digital (sd) cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks, as well as digital data files and printouts or readouts from any magnetic, electrical or electronic storage device).

20. Any electronic information or data, stored in any form, which has been used or prepared for use either for periodic or random backup (whether deliberate, inadvertent, or automatically or manually initiated), of any computer or computer system. The form that such information might

take includes, but is not limited to, floppy diskettes, fixed hard disks, removable hard disk cartridges, tapes, laser disks, CD-ROM disks, video cassettes, and other media capable of storing magnetic or optical coding.

21. Any electronic storage device capable of collecting, storing, maintaining, retrieving, concealing, transmitting, and using electronic data used to conduct computer or Internet-based communications, or which contains material or data obtained through computer or Internet-based communications, including data in the form of electronic records, documents, and materials, including those used to facilitate interstate communications, including but not limited to telephone (including mobile telephone) and Internet Service Providers. Included within this paragraph is any information stored in the form of electronic, magnetic, optical, or other coding on computer media or on media capable of being read by a computer or computer-related equipment, such as fixed disks, external hard disks, removable hard disk cartridges, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, laser disks, USB drives, secure digital (sd) cards, or other memory storage devices.

22. Records of personal and business activities relating to the operation and ownership of the computer systems, such as telephone records, notes (however and wherever written, stored, or maintained), books, notes, and reference materials.

23. Any records or documents pertaining to accounts held with Internet Service Providers (ISP) or of Internet use, including Internet Protocol (IP) addresses.

24. Records of address or identifying information for the targets of the investigation, and any personal or business contacts or associates of the targets, however and wherever written, stored, or maintained, including contact lists, buddy lists, email lists, ICQ addresses, IRC names (a.k.a., "Nics"), user IDs, eIDs (electronic ID numbers), and passwords.

25. Computer records and evidence identifying who the particular user was who distributed, transmitted, downloaded or possessed any record found on any computer or computer media (evidence of attribution).

OTHER ITEMS

26. Any firearm, ammunition or other weapon.

PHOTOGRAPHS OF SEARCH

27. During the course of the search, photographs of the searched premises may also be taken to record the condition thereof and/or the location of items therein.